



CRM-M-63800 of 2025 (O&M) -1-

S. No.134

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63800 of 2025 (O&M)
Date of Decision:14.11.2025

Pritam Singh

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Aman Pal, Senior Advocate with
Mr. Sankalp Dhanda, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

Yashvir Singh Rathor, J. (Oral)

1. Present petition has been instituted under Section 482 Cr.P.C/528 of BNSS, 2023 for quashing order dated 23.04.2002 (Annexure P.1) passed by learned JMIC, Kurukshetra, whereby the petitioner has been declared as a proclaimed offender in case titled '**State Vs. Labh Singh** in case FIR No.45 dated 23.05.2000 registered under Section 61(1)(a) of Punjab Excise Act, 1914 at Police Station Babain, District Kurukshetra and all the consequential proceedings arising therefrom.

2. Upon notice, the learned State Counsel has appeared. Learned counsel for the parties have been heard and material placed on the file has been perused.

3. Learned counsel for the petitioner argued that petitioner has been wrongly declared as a proclaimed offender. He never received any summons/ warrants from the trial Court and serious efforts were not made by the trial Court



to secure his presence. On perusal of the paper book, it is revealed that during the proceedings of case FIR No.45 dated 23.05.2000 as afore-said, warrants of arrest against petitioner Pritam Singh were directed to be issued initially vide order dated 07.08.2001, and the said order was repeated on 02.01.2002 due to receipt of the warrants of arrest as unexecuted. On 26.02.2002, warrant of arrest was received back unexecuted with the report that the accused-petitioner has already absconded about 1-1/2 years ago and surety had made a statement that the accused had gone abroad and so, proclamation under Section 82/83 Cr.P.C was ordered to be issued for 23.04.2002 and serving constable was directed to come present on the next date of hearing i.e. 22.03.2002. On 22.03.2002, statement of serving constable was recorded. On 23.04.2002, the proclamation was received back effected and the accused- petitioner was declared proclaimed offender. Learned counsel contended that despite knowing that accused had gone abroad, no efforts were made to secure his presence through the Ministry of Home Affairs and no proclamation was effected on his address as he was in foreign country and only by effecting the warrants of proclamation in his village does not means that proclamation was effected and impugned order dated 23.04.2002, vide which he has been declared Proclaimed Offender is thus illegal and nonest.

4. Learned counsel further contended that as per order dated 23.04.2002, proclamation issued against accused was received back executed whereas it was effected only in his village as he was residing in abroad. However, the proclamation was not publicly read in some conspicuous place of the town where the accused resided and it was thus violation of provisions of Section 82(2) (i)(a) of Cr.P.C and on this score also, proclamation is invalid and a nullity and



CRM-M-63800 of 2025 (O&M) -3-

proceedings under Section 82 of Cr.P.C are thus liable to be quashed. In support of his contentions, learned counsel has placed reliance upon 2022(1) Law Herald 219 – **Rahul Dureja and another Vs. State of Punjab**, 2021(1) RCR (Criminal) 493 – **Harvinder Singh Vs. State of Haryana and another**, 2024(1) Law Herald 859 – **Mahender Kumar Vs. Housing Development Finance Corporation Ltd.**, 2024(1) Law Herald 291 – **Ramandeep Singh Sangha @ Ramna Sangha Vs. State of Punjab**, and 2024(2) RCR (Criminal) 5- **Sukhjinder Singh Vs. State of Punjab and another**.

5. On the other hand, learned State Counsel has argued that the petitioner could not be served when his non-bailable warrants were issued and thereafter, proclamation under Section 82 Cr.P.C. was ordered to be issued and he was declared Proclaimed Offender. Learned State Counsel has contended that the impugned order is well reasoned and speaking and does not call for any interference and petition deserves to be dismissed.

6. Before proceeding further, relevant orders dated 7.8.2001, 26.2.2002 and 23.4.2002 are reproduced as under:-

“Order dated 7.8.2001:

Two PWs namely ASI Mahabir Singh and S.I. Ram Singh are present, but they could not be examined due to absence of one of the accused namely Pritam Singh. Case called several times since morning, but neither the accused has turned up nor any intimation has been received so far. It is already 11.30 A.M. Waited sufficiently. Therefore, bail of the accused is cancelled and his bond stands forfeited to the State. Present PWs are discharged for today only.



Now accused Pritam Singh be summoned through non-bailable warrant for 26.10.2001. Notices to his surety and identifier be also issued for the date fixed.

JMIC, Kurukshetra,
7.8.2001.

XX XX XX XX XX XX

Order dated 26.2.2002:

“Non-bailable warrant issued against the accused Pritam Singh received back with the report that he has already absconded about 1-1/2 years ago. Further, Pritam Singh has gone to Foreign Country and so, she remained unable to know the address of accused Pritam Singh. Therefore, she is unable to produce the accused Pritam Singh before the court. Further, she is ready to proceed under Section 446 Cr.P.C.

2. Keeping in view of the statement of surety, notice u/s 446 Cr.P.C is served upon the surety, to which, she pleaded guilty. Therefore, an amount of Rs.10,000/- is imposed upon her as penalty for not producing the accused Pritam Singh. Fine Paid. Accordingly, she is discharged. Now warrant of proclamation against accused Pritam Singh be issued for 23.4.2002. Serving Constable is directed to come present before the court on 22.3.2002 for making his statement.

JMIC, Kurukshetra
26.2.2002.

XX XX XX XX XX XX

Order dated 23.4.2002

Today the case was fixed for presence of accused Pritam Singh. Case called out several times since morning, but accused Pritam Singh remained absent despite effective service of proclamation. Therefore, he is declared proclaimed offender. Charge-sheet has already been framed. Now P.Ws in purview under Section 299 Cr.P.C be summoned through special messenger for 2.8.2002 and accused Pritam.

JMIC, Kurukshetra
23.4.2002.”

7. A perusal of order dated 26.02.2002 shows that the warrant of arrest issued against the accused was received back with the report that accused has already absconded about 1-1/2 years ago and surety had made a statement that the accused has gone abroad and so, proclamation under Section 82/83 Cr.P.C was ordered to be issued for 23.04.2002 and serving constable was directed to come present on the next date of hearing i.e. 22.03.2002 and ordered issuance of proclamation under Section 82 Cr.P.C. No efforts were made by the Court to effect his service through the Ministry of Home Affairs. A perusal of the impugned order dated 23.04.2002 shows that publication was effected and he was declared proclaimed offender. However, the proclamation was not read publicly at some conspicuous place of the town, where the accused ordinarily resided. A Coordinate Bench of this Court in ***Rahul Dureja's case (supra)***, has held that if there is non-compliance of mandatory provisions of Section 82(2)(i)(a) of Cr.P.C. and proclamation is not read publicly in same conspicuous place of the town or



CRM-M-63800 of 2025 (O&M) -6-

village where the accused ordinarily resides, the accused is deprived of the knowledge of proclamation and on this score, the proclamation notice is liable to be quashed. In *Harvinder Singh's case (supra)*, it has been further held that if proclamation is not read publicly in the village where accused resided, it is not an irregularity but it renders proclamation and subsequent proceedings as nullity. On this score also, the proceedings initiated under Section 82 Cr.P.C. against the petitioner are invalid.

8. As a result of aforesaid discussion, I am of the considered opinion that proper procedure has not been followed by the trial Court while declaring petitioner a proclaimed offender and the impugned order, thus, suffers from material irregularities and illegalities and the same is, thus, not sustainable and is liable to be set aside and accordingly, the present petition is accepted and the impugned order dated 23.4.2002 (Annexure P-1), vide which, the petitioner was declared proclaimed offender is set aside.

9. Pending misc. applications(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

November 14, 2025

Renu

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No