



CRM-M-64405 of 2025 (O&M) -1-

S. No.161

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64405 of 2025 (O&M)
Date of Decision:17.11.2025

Sukhwinder Singh @ Bhindi

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

Present:- Mr. Deven Munjal, Advocate for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

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 20.05.2025 (Annexure P.8) passed by learned Additional Sessions Judge, Moga, whereby the petitioner has been declared as a proclaimed person/offender in case FIR No.0004 dated 13.01.2020 registered under Sections 324, 323, 379B and 34 IPC at Police Station Baghapurana, District Moga 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 person. 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.0004 dated 13.01.2020 as afore-said, warrants of arrest against petitioner Sukhwinder Singh @ Bhindi were directed to be issued initially vide order dated 08.02.2024, and the said order was repeated on various subsequent dates due to receipt of the warrants of arrest as unexecuted. On 22.05.2024, warrant of arrest was received back unexecuted and simply by recording satisfaction that the abortive attempts have been made to procure the presence of accused through nonailable warrants of arrest and the court has a reason to believe that accused is absconding in order to evade the execution of the warrants and proclamation under Section 82/83 Cr.P.C was ordered to be issued. Learned counsel for the petitioner contended that on 07.08.2024, the proclamation was received back effected and notice to serving constable was issued and the case was adjourned to 20.09.2024. The case was adjourned on various dates for appearance of the serving constable for making a statement. On 20.05.2025, petitioner was declared a Proclaimed Person. Learned counsel contended that no proclamation had been issued against the accused for 20.05.2025 and as such, he did not have any knowledge that he was required to appear before the Court on 20.05.2025 and impugned order dated 20.05.2025, vide which he has been declared Proclaimed Person/offender is thus illegal and nonest.

4. 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 Person/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.

5. Before proceeding further, relevant orders dated 08.02.2024, 22.05.2024, 07.08.2024 and 20.05.2025 are reproduced as under:-

“Order dated 08.02.2024:

“Notice issued to accused received back his house was lying locked. Despite repeated calls of this case, accused has failed to turn up in the court today. Since, accused has absented himself today without any intimation, his bail order stands canceled. His bail bonds and surety bonds stand forfeited to the State. His non bailable warrants be issued for 3.4.2024 for which date notice to his surety be also issued.

Date of Order: 08.02.2024

Addl. Sessions Judge,
Moga(UID No.PB-0246)”

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Order dated 22.05.2024:

Non bailable warrants of accused received back with report that no such person is residing at the given address. Abortive attempts have been made to procure the presence of accused through non-bailable warrants of arrest. Court has a reason to believe that accused is absconding in order to evade the execution of the warrants. As such, he be summoned through written proclamation requiring him to appear in the Court on 7.8.2024 at 10:00 A.M. The proclamation be published within 2 days of order thereby giving the accused not less than 30 days to appear on the date of the proclamation. Notice to his



surety be also issued for the date fixed. Long adjournment has been given due to ensuing summer vacation and rush of work.

Date of Order: 22.05.2024

Addl. Sessions Judge.
Moga(UID No.PB-0246)”

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Order dated 07.08.2024:

Proclamation of accused received back executed. Let notice to serving official be issued for 20.9.2024. Notice to his surety be also issued for the date fixed.

Date of Order: 07.08.2024

Addl. Sessions Judge.
Moga(UID No.PB-0246)”

XX XX XX XX XX XX

Order dated 20.05.2025:

Statement of serving official C-Gurpreet Singh recorded, whereby, he proved proclamation so issued against accused Sukhwinder Singh alias Bhindi as Ex.PX and report thereon as Ex.PY. He has further submitted that accused Sukhwinder Singh alias Bhindi has absconded and there is no immediate prospect of arresting him in near future.

Proclamation against accused Sukhwinder Singh alias Bhindi was effected on 10.06.2024. Statutory period of 30 days for awaiting the presence of the accused Sukhwinder Singh alias Bhindi from the date of publishing such proclamation has already been elapsed. The case has been called out several times but the accused Sukhwinder Singh alias Bhindi has failed to turn up in the Court. Therefore,



accused Sukhwinder Singh alias Bhindi is declared as proclaimed person/ offender and intimation in this regard be conveyed to the office of the SSP, Moga and officer incharge of the concerned police station for proceeding further against accused Sukhwinder Singh alias Bhindi, as per Law. Necessary intimation be also sent to the System Officer for incorporating the name of accused Sukhwinder Singh alias Bhindi in the list of Proclaimed offenders digitally maintained in the computer system. Notice to surety of accused Sukhwinder Singh alias Bhindi be also issued for the date fixed.

On request of Addl. PP for the State, to come up on 25.07.2025 for filing of list of property of accused Sukhwinder Singh alias Bhindi for initiation of proceedings under Section 83 of Cr.P.C.

Ahlmad is directed to issue summon prosecution witnesses mentioned at Sr. No.1 in the list of witnesses for date fixed.

Date of Order: 20.05.2025

Addl. Sessions Judge.
Moga(UID No.PB-0164)”

6. A Coordinate Bench of this Court while deciding CRM-M-41656-2023 titled ***Pardeep Kumar Vs. State of Haryana*** vide judgment dated 23.8.2023 has held that before issuance of proclamation under Section 82 of Cr.P.C., the Court must deliberate on its previous efforts to secure presence of the accused through other legally permissible means. These efforts encompass issuance of summons and the execution ofailable and/or non-ailable warrants against the accused. It is incumbent upon the Court to ascertain that individual in question has indeed absconded or is concealing himself to evade execution of warrants of arrest. It has been further held that phrase, ‘reasons to believe’ as articulated in

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Section 82 of Cr.P.C. signifies that the Court must derive its belief from the available evidence and material that the concerned person has absconded or is concealing himself to evade the execution of warrants of arrest. It has been further held that once proclamation is issued, it must be set forth in the proclamation as to where and when the concerned individual must present himself. A designated location and time must be stipulated. Importantly, the specific date and time for appearance should not be less than 30 days from the date of publication of the proclamation.

7. A perusal of order dated 22.05.2024 shows that the warrant of arrest issued against the accused was received back unexecuted and the Court recorded its satisfaction that the abortive attempts have been made to procure the presence of accused through non bailable warrants of arrest and the court has a reason to believe that accused is absconding in order to evade the execution of the warrants and proclamation under Section 82/83 Cr.P.C was ordered to be issued. However, no satisfaction was recorded by the trial Magistrate that accused has either absconded or is concealing himself to evade the warrants and that he cannot be served in ordinary manner and without recording satisfaction to this effect, the proceedings under Section 82 Cr.P.C. could not have been initiated against the accused. Besides this, the proclamation was finally issued for 07.08.2024. However, on 07.08.2024, proclamation was received back executed and notice to serving official was issued for 20.09.2024. On different dates, notice was issued to serving official to make a statement. However, on 20.05.2025 statement of serving official C- Gurpreet Singh was recorded and accused was ultimately declared a proclaimed person on that date. However, no proclamation had been issued for 20.05.2025, which infact, had been issued for 07.08.2024 but on that



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date, he was not declared a proclaimed person. In this manner, accused did not have any knowledge that he was required to appear before the Court on 20.05.2025, as no proclamation had been issued against him for that date and he was, thus, misled and proper procedure, thus, has not been followed by not mentioning the designated location and time, where he was supposed to appear.

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 person 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 20.05.2025 (Annexure P-8), vide which, the petitioner was declared proclaimed person is set aside.

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

(YASHVIR SINGH RATHOR)
JUDGE

November 17, 2025
Renu

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