

2025:PHHC:160424



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

131

CRM-M-64850-2025 (O & M)
Date of decision: 18.11.2025

DHARMINDER SINGH ALIAS GULSHAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nitin Garg, Advocate and
Ms. Ridhima, Advocate and
Mr. Yogesh Garg, Advocate,
for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing the order dated 16.07.2025, Annexure P-1, passed by learned Judicial Magistrate Ist Class, Bathinda, whereby the petitioner has been declared a proclaimed offender in FIR No.165 dated 27.11.2022, registered at Police Station Bhagta Bhai Ka/Dyalpura, District Bathinda, under Sections 409, 380, 201 and 120-B IPC, Section 25 of the Arms Act and Sections 13(1) (A) of the Prevention of Corruption Act, 1988.

2. Learned counsel submits that the petitioner was not named in the FIR, however subsequently during investigation, he was brought in based on suspicion, without there being any evidence to connect him with the alleged occurrence. One co-accused, HC Sandeep, who was named in the FIR, has been granted bail by this Court, vide order dated 04.04.2023.

Similarly circumstanced co-accused Rachhpal Singh alias Bhala Singh,

who was also declared proclaimed offender, was permitted to surrender before the Court and ordered to be released on bail. Other co-accused, Jagsir Singh alias Kala though involved in 3 more cases, was granted regular bail, Annexure P-5. The petitioner has been declared proclaimed offender without complying with the provisions of Section 82 Cr.P.C. in letter and spirit. He is ready and willing to join the proceedings and prays that one opportunity may be granted to him to surrender before the trial Court. Reliance is placed on **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

5. Heard.

6. This Court in **Gurbir Singh Mundi** (supra), quashed the order declaring the petitioner therein as proclaimed person on the ground that provisions of Section 82(2) Cr.P.C, which are mandatorily to be complied with had not been done, as it was not read publically in some conspicuous place of town or village, in which the accused ordinarily resides.

7. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

8. Considering the fact that the absence of the petitioner was not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the aforesaid prayer is accepted.

9. In view of the afore-mentioned judgment and the facts and circumstances of the case, the impugned order dated 16.07.2025, Annexure P-1, is set aside, subject to surrender by the petitioner before the trial Court on or before 02.12.2025 and payment of Rs.15,000/- to be deposited with the Shree Mata Mansa Devi Bhandara Committee Charitable Trust (Regd)., Account No. 50100238189041, IFSC Code: HDFC0000108, at HDFC Bank, Sector 8, Panchkula. On furnishing bail/surety bonds, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to

this Court.

11. Disposed of accordingly.

18.11.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No