



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

162

CRM-M-73123-2025 (O&M)

Date of decision: 23.12.2025

Hukamjeet Singh @ Hukamjeet Singh Brar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balkarn Singh Aulakh, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 BNSS for quashing the order dated 01.12.2025, Annexure P-3 passed by learned trial Court, whereby the petitioner has been declared as proclaimed offender in FIR No.94 dated 13.08.2020, registered under Section 409 IPC and Section 13 of Prevention of Corruption Act, at Police Station Bariwala, District Sri Muktsar Sahib.

2. Learned counsel submits that the petitioner was granted anticipatory bail in the FIR, whereafter, he continued to appear before the trial Court but for 11.09.2025, as he being illiterate person had gone abroad and not having the knowledge of seeking permission, wherefrom he shall now be returning on 28.12.2025, for which tickets have been appended as Annexure P-7. On that date, non-bailable warrants were issued against him for 26.09.2025 and the same have been received back with the report of his mother that he has gone abroad. Thereafter, the trial Court without procuring his foreign address, had initiated proclamation proceedings despite the fact that he was not in India,



however, he was however declared proclaimed person vide order dated 01.12.2025, without following the procedure under Sections 41, 105 and 82 Cr.P.C. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down comprehensive guidelines in this regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/judicial processes. Thus the proclamation proceedings being in violation thereof are liable to be set aside, however, he is ready and willing to surrender before the trial Court for which he seeks only one opportunity, which may even be subject to imposition of costs or any other conditions, which this Court may deem appropriate.

3. Notice of motion.

4. At the asking of the Court, Ms. Gagandeep Kaur, DAG Punjab accepts notice on behalf of respondent-State and submits that the trial Court has rightly passed the order as the petitioner did not appear before the Court and evaded the proceedings.

5. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus, thus, no notice is required to be issued.

6. Heard the learned counsel for the parties.

7. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set



aside.

8. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, decided on 6.2.2020, noticing the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that he was was in Italy at the time of registration of FIR on 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.4.2014 and even on the date of passing of the above order.

9. The very purpose of issuance of proclamation etc. is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

10. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and for taking it to its logical end.

11. Accordingly, the present petition is hereby allowed. The impugned order dated 01.12.2025, Annexure P-3, is set aside, subject to surrender by the petitioner before the trial Court on or before 16.01.2026 and payment of costs of Rs.25,000/- to be deposited with Dera Baba Murad Shah Ji Trust having its Account No.50100562531189, IFSC Code-HDFC0001370, HDFC Bank, G.T. Road, Opp Bus Stand, Jalandhar Road, Nakodar. 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. Till then, no coercive steps be taken against the petitioner.

12. 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.

(AMAN CHAUDHARY)
JUDGE

23.12.2025

M.Kamra

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