

2026:PHHC:063178



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

140

**CRM-M-2200-2026
Date of Decision: 21.04.2026**

MANPREET KAUR AND ANOTHER

... Petitioners

VERSUS

STATE OF HARYANA AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioners.

Mr. B.S. Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

Prayer made in the present petition is for quashing the impugned orders dated 01.12.2025 and 16.12.2025, Annexures P-9 and P-12 respectively, passed by learned JMIC, Yamuna Nagar at Jagadhri, in the case bearing No.CHI-1290-2017 arising out of FIR No.251 dated 10.07.2017, under Sections 406, 420, 506, 120-B of IPC registered at Police Station Farakpur, District Yamuna Nagar vide which non-bailable warrants as well as proclamations under Section 82 of the Cr.P.C. have been issued against the petitioners.

2. Learned counsel submits that the petitioners have been summoned by the trial Court by invoking the provisions of Section 319 of the Cr.P.C. as initially, the Investigating Agency had not found them involved in

the matter. Reference in this regard is made to Annexure P-4. Learned counsel further states that the provisions of Section 82 of the Cr.P.C. were not complied with properly since the non-bailable warrants were issued to the petitioners at the address of Yamuna Nagar, reference is made to Annexures P-7 and P-8; whereas they were residing in Punjab as mentioned in the memo of parties as well as status report, Annexure P-3. Learned counsel for the petitioners further submits that the petitioners be permitted to join the proceedings in the present matter, for which one opportunity is prayed for that may be subject to the costs.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG, Haryana, accepts notice on behalf of the respondent No.1-State and submits that the impugned orders are legal and valid on account of the fact that the petitioners failed to appear before a Court of law despite issuance of notices and non-bailable warrants, without any just and reasonable cause.

5. Heard.

6. In **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023, this Court held that where the accused had already sold his house long before the process was issued and had shifted elsewhere, the proclamation served at the old address could not be treated as due service, and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

7. In **Sonu Vs. State of Haryana 2021 (1) RCR (CrI.) 319**, it was held that any non-compliance in the procedure prescribed in declaring an

accused as proclaimed person, cannot be treated as an irregularity but the same renders such proceedings as nullity.

8. 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.

9. Considering the fact that the non-appearance of the petitioners was not willful or deliberate and their readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to them, no prejudice shall be caused to any of the parties, rather their joining the proceedings would help in expediting the trial. This Court in light of the judgments referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned orders dated 01.12.2025 (Annexure P-9) and 16.12.2025 (Annexure P-12) are set aside.

11. They are directed to surrender before learned trial Court within 2 weeks and furnish bail/surety bonds upon which they be released on bail. The same shall be subject to deposit Rs.5,000/- each as costs with Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh, having its Account No.110410011001558, IFSC Code-UBIN0811041, Panchkula Branch, Panchkula, within a period of 10 days. They are also directed to furnish undertaking by way of an affidavit that they shall appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. They 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.

12. The petition is disposed of.

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

APRIL 21, 2026.

Rajender

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No