



CRM-M-3980-2026

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

CRM-M-3980-2026

Date of Decision: 05.02.2026

Surjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arnav Goel, Advocate for
Mr. Aman Raj Bawa, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 03.10.2016 (Annexure P-2) passed by learned CJM, Amritsar, in a case FIR No.396 dated 09.11.2015 vide Rapat No.45 (cross version) dated 09.11.2015, under Sections 326, 323 and 324 IPC, vide which the petitioner was declared proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was in judicial custody in another FIR in District Jail, Jammu since 20.06.2016 and thereafter, he shifted to District Jail, Kangra where he remained incarcerated till 29.04.2024 until he got acquitted by learned ASJ, Circuit Bench at Dharamshala. He, thus, that neither the petitioner was aware of the initiation of proceedings in the present case nor service of the warrants has been effected upon him and learned trial Court has illegally declared the petitioner proclaimed person vide impugned order dated 03.10.2016 in violation of mandatory provisions of Section 82 Cr.P.C. He further submits that the absence of the petitioner



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was totally unintentional and beyond his control. He submits that now petitioner is ready to join the proceedings and face the trial in the above said case and comply with the conditions, if any imposed by the Court and as such the order dated 03.10.2016 declaring the petitioner as proclaimed person, deserves to be set aside.

3. Notice of motion.

4. Ms. Ramta Chowdhary, DAG, Punjab, accepts notice on behalf of the State. She has opposed the submissions made by counsel for the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 03.10.2016. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to set aside the order dated 03.10.2016 declaring the petitioner as proclaimed person. Hence, the order dated 03.10.2016 is set aside subject to payment of Rs.25,000/- as costs to be paid by the petitioner to be paid with the **Punjab and Haryana High Court Employees' Welfare Fund, Chandigarh**, within period of seven days from the date of receipt of copy of this order.

6. The petitioner is directed to appear before the trial Court within a period of ten days from the date of receipt of copy of this order and file an appropriate application alongwith receipt of costs of Rs.25,000/- and the trial Court would grant him bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest till ten days from the date of receipt of copy of

this order. The trial Court is free to impose any condition it likes on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 03.10.2026 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

05.02.2026			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No