



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

137

CRM-M-8636-2026 (O&M)

Date of decision: 11.05.2026

Harwinder Singh @ Binder

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Harkirat Singh Bhogal, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 21.09.2024, whereby the petitioner has been declared as proclaimed person in FIR No.47 dated 28.06.2021, registered under Section 22 of NDPS Act, at Police Station Singh Bhagwantpura, District Rupnagar.

2. Learned counsel submits that the petitioner was granted regular bail in the FIR vide order dated 13.08.2021, whereafter, he was regularly appearing before the trial Court, however, on previous occasions, he could not appear before the trial Court as he was admitted in de-addiction centre and produced before the trial Court from the said centre itself and order of cancelling his bail was set aside and bail was granted to him on 29.02.2024. However, 28.03.2024 onwards, he again could not appear before the trial Court, due to communication gap between him and his learned counsel, being under the impression that his case has been disposed of and at the same time, he was started to reside in Madhya Pradesh, where he is working as driver. There are temperamental issues between him and his parents and they had disowned him



as well, in this regard, reference is made to an affidavit, Annexure P-2. Consequently, his bail was cancelled and bail/surety bonds forfeited to State vide Annexure P-3 and he was declared proclaimed person vide order dated 21.09.2024, Annexure P-7, without compliance of the mandatory provision of Section 82 Cr.PC, as neither the proclamation was signed by him or his family members, it was not read publicly in some conspicuous place of the area and to this effect, even the report of the serving official is silent. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court. To buttress his submission, reliance is placed on the judgment of this Court in **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 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. In **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

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



proclaimed person, cannot be treated as an irregularity but the same renders such proceedings a 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 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 him 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 present petition is allowed.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 21.09.2024, Annexure P-7, is set aside.

11. He is directed to surrender before the learned trial Court on or before 26.05.2026, subject to deposit of Rs.25,000/- as costs with Veeranwali Foundation-Nanhi Jaan, Chandigarh, A/c No.134101000271, IFSC Code- ICIC0001341, ICICI Bank, Sector 34, Chandigarh. On furnishing bail/heavy local surety bonds, he is also directed to furnish 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.



12. The petition is disposed of.

13. 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

11.05.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No