IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-11499-2026 (O&M)
Date of decision:24.03.2026

Sukhchain Singh @ Vijay

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Puneet Sharma, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

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AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 20.12.2025, Annexure P-4, passed by learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib, in case FIR No.80 dated 18.05.2022 registered under Sections 323, 324, 506, 148 and 149 IPC (corresponding to Sections 115, 118, 351, 191 and 190 of BNS respectively), at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner has been declared proclaimed person vide order dated 20.12.2025 as the notice was not initially served and directly non-bailable warrants were issued, leading to declaring him as proclaimed person without complying the procedure of Sections 82(1)(a) of Cr.P.C. without recording satisfaction of the petitioner. On 04.11.2025 upon receiving the unexecuted warrants, trial Court reiterated its belief that he was concealing himself and resultantly he was summoned through proclamation, fixing a 30 days period and awaiting his presence for 20.12.2025. After culminating the aforesaid sequence of events, trial Court passed the impugned

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order dated 20.12.2025 and observed that his proclamation alongwith others was effected on 18.11.2025 mentioning there that 30 days statutory period had elapsed without his appearance. Thus, the procedure mandated under Section 82 Cr.P.C. had not been followed, as the petitioner was declared proclaimed person without affording her the pre-requisite time period of 30 days to appear before the trial Court. 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.

3. Learned State counsel 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.

4. Heard.

5. In **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.P.C. 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.

6. 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.

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

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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 present petition is allowed.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 20.12.2025, is set aside.

10. He is directed to surrender before the trial Court on or before 10.04.2026 and files an application for grant of bail, it be decided on the same day, in accordance with law.

11. The petition is disposed of.

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

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

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