



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

298

CRM-M-14274-2024 (O&M)

Date of decision:25.03.2026

Kiran Upadhyay @ Kiran Chaturvedi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Bawa, Advocate, for the petitioner.
Mr. Iqbalpreet Singh, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 30.09.2023, Annexure P-6, passed by learned Judicial Magistrate 1st Class, Ludhiana, in case FIR No.0339 dated 29.11.2018 registered under Section 506 IPC and Section 67 of Information Technology (Amendment) Act, 2008, at Police Station Jodhewal, District Ludhiana, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was granted anticipatory bail by this Court in CRM-M-10407 of 2019 vide order dated 06.05.2019, which was made absolute on 25.09.2019, Annexure P-3, as the matter had been compromised, vide Annexure P-4. An application was also submitted for cancellation of FIR by the complainant Lekhraj @ Shehzada Raj. Alongwith the said application, affidavit dated 28.01.2020 in this regard was also sworn in. Thereafter, the petitioner did not appear before the trial Court, however challan was presented in his absence on 16.09.2020. When the



proclamation proceedings were initiated wherein the residential address of the petitioner was given as H. No.9, Gali No.1, N Black, Uldhanpur, Panchsheel Garden, Naveen Shadrra, Delhi instead of his actual address as H. No.114-A, Mohalla New Vividh Nagar, Sarsawa, Sarwawan Dehat, Saharanpur, Uttar Pradesh, for which reliance is placed on driving license and copy of passport, Annexure P-8. As a matter of fact, at the time of joining of investigation, the investigating officer had also taken copy of Aadhar card of the petitioner which also depicted the above address. There is no basis of recording that finding that the petitioner was absconding or evading arrest. He has been declared proclaimed person vide order dated 30.09.2023 without complying the procedure of Section 82 of Cr.P.C. in letter and spirit. 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, even if the same is subject to costs. Reliance is placed on the judgment of this Court in **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023.

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 vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021, 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. In **Satish Chouhan** (supra), 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.

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 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.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 30.09.2023, is set aside.

11. The petitioner is directed to surrender before the learned trial Court on or before 10.04.2026 and deposit Rs.15,000/- as costs with Shri Sanatan



Dharma Adhyan Kendra (Regd.) Account No.0575000100044792 Punjab National Bank Sector 16-D, Chandigarh, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. 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 learned 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 present petition is accordingly allowed.
- 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

25.03.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No