



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

239

CRM-M-31177-2016(O&M)

Date of decision: 06.05.2026

Mandeep Singh

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner.

Ms. Aiman J. Chishti, AAG, Punjab.

Mr. Amandeep Singh Gill, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed for seeking quashing of order dated 19.04.2016 passed by the Judicial Magistrate First Class, Phagwara, whereby the petitioner was declared proclaimed offender in case Complaint No.2054 dated 09.10.2013 titled as "*Salu Mahant Vs. Mandeep Singh*" registered under Sections 499, 500, 306 of the Indian Penal Code, 1860.

2. It is evident from the perusal of the ordersheets that since 18.01.2018, the matter has been taken up on as many as 4 occasions out of which except on one occasion i.e. 21.01.2019 when the matter was adjourned on the request of counsel appearing on behalf of the petitioner, on the remaining three occasions, there has been no representation on behalf of the petitioner. The position remains unchanged even today, despite the case called twice. The case pertains to the year 2016 and has remained pending for 08 years.

3. It seems that the counsel for the petitioner has no interest in

pursuing the present petition, hence, the same is being examined on merits.

4. It has been averred in the present petition that the petitioner was summoned to face trial in Complaint No. 2054 dated 09.10.2013 vide summoning order dated 15.11.2014 (Annexure P-2). It has further been pleaded that, prior to the institution of the aforesaid complaint, respondent No.2 had been called to the police station pursuant to a complaint submitted by the petitioner. However, with the intervention of respectable persons of the locality, the dispute inter se between the parties was amicably settled and resolved. Despite the aforesaid settlement, respondent No.2 subsequently proceeded to institute the complaint in question against the petitioner.

5. It is further averred that the petitioner was declared as a proclaimed person notwithstanding that notices were never served upon him, yet, proclamation proceedings under Sections 82 and 83 Cr.P.C. were initiated against him vide order dated 19.04.2016. Hence, the proceedings were challenged on above ground.

6. Reply dated 04.01.2018 by way of an affidavit of Dyama Harish Kumar Om Parkash (IPS), Assistant Superintendent of Police, Sub-Division Phagwara, District Kapurthala has already been filed on behalf of the respondent/State, wherein it is stated that proceedings under Sections 82 and 83 of the Code of Criminal Procedure were initiated against the petitioner and that he was subsequently declared a proclaimed person vide order dated 19.04.2016. It has further been asserted therein that the said proceedings as well as the order declaring the petitioner as a proclaimed person do not suffer from any illegality or procedural infirmity.

7. Learned counsel appearing on behalf of respondent No.2

contends that there is nothing on record to suggest that the notices issued in the proceedings were not served upon the petitioner and that neither any illegality nor any procedural irregularity in the process adopted by the trial Court, while initiating proceedings under Sections 82 and 83 of the Code of Criminal Procedure and subsequently declaring the petitioner as a proclaimed person, has been pleaded in the present petition or set out in the grounds of challenge. It is thus submitted that, in the absence of any specific averment or material demonstrating violation of the prescribed procedure, the impugned order does not warrant interference by this Court.

8. I find that the facts as pleaded do not lay any foundation for or disclose any circumstances to suggest that the order declaring the petitioner a proclaimed person was passed without adhering to the procedure prescribed under Sections 82 and 83 of the Cr.P.C. This Court is, therefore, of the opinion that the impugned order does not suffer from any illegality, perversity or procedural impropriety warranting interference in exercise of the inherent jurisdiction of this Court.

9. Consequently, the present petition is dismissed.

10. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

06.05.2026

Sumit Gusain

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