



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

163

CRM-M-16000-2026 (O&M)

Date of decision: 25.03.2026

Gurdeep Singh @ Kaka

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Barjinder Singh, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for setting aside the impugned order dated 07.09.2024 passed by learned Judge, Special Court, Kapurthala, in case FIR No.94 dated 18.09.2021, under Section 22 of NDPS Act, registered at Police Station Satnampura Phagwara, District Kapurthala, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was granted interim bail vide order dated 13.10.2021, Annexure P-2 subject to the result of the Chemical Examiner Report and the challan was presented in his absence after about two years on 25.07.2023. Thereafter,ailable warrants were issued, which were received back unserved and non-ailable warrants were issued, but the same were also received back unexecuted, however, his bail was cancelled on 12.04.2024 and bonds were forfeited. He was not aware that he was to surrender after the receipt of the FSL report. Consequently, he was declared proclaimed person vide order dated 07.09.2024, Annexure P-10 without the 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.

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 07.09.2024, Annexure P-10, is set aside.

11. He is directed to surrender before the learned trial Court on or before 16.04.2026, subject to deposit of Rs.15,000/- as costs with Dera Baba Murad Shah Ji Trust having its Account No.50100562531189, IFSC Code-HDFC0001370, HDFC Bank, G.T. Road, Opp Bus Stand, Jalandhar Road, Nakodar and is at liberty to apply for regular bail in the main case before the learned trial Court, which will be decided within 3 days thereafter.

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

25.03.2026
M.Kamra

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