

2026.PHHC.048092



178-2

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-16177-2026****Date of Decision: 25.03.2026**

Harvinder Singh through his attorney Harjinder Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**Present:** Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

Mr. Sukhdeep Singh, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Challenge in the present petition is to the order dated 03.07.2025 (Annexure P-9) passed by the Ld. SDJM, Karnal vide which petitioner co-accused in FIR No.792 dated 21.10.2023 registered against him for commission of offences punishable u/s 308/323/34/506 IPC, at Police Station Assandh, Distt. Karnal, vide which he was declared "Proclaimed Person".

2. The solitary ground raised by learned counsel for the petitioner while assailing the aforesaid order is that even though when there was specific report with the Ld. Trial Court that petitioner has left for foreign land, recourse was wrongly taken to Section 82 Cr.PC, for procuring the presence of petitioner. In the factual scenario of the case in hand, presence of the petitioner ought to have been procured as per provisions of Section 105 Cr.P.C. (now Section 110 BNSS).

It is further the contention of the learned counsel that due to the intervention made by the respectables of the village, matter has been amicably settled between the petitioner and complainant party. Learned counsel also contends that based on the said compromise, a petition i.e. **CRM-M-16144-2026** for quashing of the aforesaid FIR has also been filed, which is listed for hearing today only. In view of the submissions made hereinabove, learned counsel prays for setting aside the impugned order dated 03.07.2025.

3. Mr. Sukhdeep Singh, Advocate has put in appearance to represent complainant. He endorses the factum of compromise between the parties.

4. Heard. Documents on record perused.

5. Before proceeding further, let us carefully go through Section 105 Cr.P.C, which reads as under:-

“105. Reciprocal arrangements regarding processes.

(1) *Where a Court in the territories to which this Code extends (hereafter in this section referred to as the said territories) desires that*

(a) *a summons to an accused person, or*

(b) *a warrant for the arrest of an accused person, or*

(c) *a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or*

(d) *a search-warrant,*

[issued by it shall be served or executed at any place, -

(i) *xxxxxxx*

(ii) *in any country of place outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and sent to such authority for transmission, as the Central Government may, by notification, specify in this behalf;]*

(2) *Where a Court in the said territories has received for service or execution -*

(a) a summons to an accused person, or

(b) a warrant for the arrest of an accused person, or

(c) a summons to any person requiring him to attend and produce a document or other thing or to produce it, or

(d) a search-warrant,

[issued by -

(i) a Court in any State or are in India outside the said territories;

(ii) a Court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed] as if it were a summons or warrant received by it from another Court in the said territories for service or execution within its local jurisdiction; and where -

(i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by Sections 80 and 81;

(ii) a search-warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by Section 101 :

[Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such authority as the Central Government may, by notification, specify in this behalf.] ”

In the case in hand, admittedly, it was intimated to the trial Court that the petitioner has left for foreign land. In this eventuality, trial Court should have adhered to the procedure so prescribed under Section 105 (1)(ii) Cr.P.C., rather proclamation proceedings u/s 82 Cr.PC were issued.

Resultantly, for want of compliance of the procedure so mentioned in Bharatiya Nagarik Suraksha Sanhita, proclamation order dated 03.07.2025 is hereby set aside. In view of the prayer made by learned counsel, coupled with the fact that the petitioner is ready and willing to surrender before the learned trial Court/Illaq Magistrate concerned, and that, the underlying object behind declaring any person a “Proclaimed Person/Offender” is to secure his presence for facing trial, this Court deems it appropriate to grant an opportunity to the

petitioner to surrender either in person/through authorized representative before the learned trial Court/Illaqa Magistrate concerned within a period of 20 days from today.

Petition stands disposed of accordingly.

25.03.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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