



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

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CRM-M-16104-2026

Date of Decision: 30.03.2026

JOGINDER SINGH AND ANOTHER**....PETITIONERS****Vs.****STATE OF PUNJAB AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present:- Mr. Saurav Bhatia, Advocate
for the petitioners.

Mr. Gorav Kathuria, DAG, Punjab.

Ms. Gurpal Kaur Dulat, Advocate
for the complainant.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023 seeking grant of regular bail to the petitioner in case bearing Complaint No. 93 dated 17.04.2007, under Section 498-A, 406, 323, 324, 34, 120-B of IPC [now Sections 86, 316(2), 115(2), 118, 3(5), 61(2) of BNS, 2023], registered at Police Station Kotwali, District Barnala (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.02.2026. It is further submitted that upon filing of the complaint, the Learned Chief Judicial Magistrate, Barnala, vide order dated 22.11.2011, summoned the present Petitioners along with their son, Rajinder Singh, under Sections 406 and 498-A of the IPC. It is pertinent to mention that the Learned Chief Judicial Magistrate, Barnala, while passing the said order,



had specifically observed that no *prima facie* case was made out against the co-accused for offences under Sections 323, 324 and 34 of the IPC, and the complaint to that extent stood dismissed.

3. It is further contended that the Petitioners were declared proclaimed persons in a wholly illegal and arbitrary manner, in gross violation of the mandatory provisions prescribed under Section 82 of the Cr.P.C. The Learned Counsel submits that no non-bailable warrants were ever issued against the Petitioners, nor was there any order directing them to appear either personally or through counsel. It is submitted that the learned trial Court, in a mechanical manner, proceeded to order publication of proclamation in the newspaper “The Tribune” without adhering to the due procedure established by law. The mandatory requirement of affixation of the proclamation at the conspicuous place of the Petitioners’ last known residence as well as at the Court premises was never complied with. The order dated 01.05.2014 declaring the Petitioners as proclaimed persons is, therefore, patently illegal and has already been challenged before this Hon’ble High Court, where the matter is presently pending adjudication.

4. Learned Counsel further submits that the Petitioners have not committed any offence and have been falsely implicated in the present case. It is submitted that the Petitioners are senior citizens, aged about 73 and 66 years respectively, and are permanent residents of the United Kingdom, holding valid passports, as duly recorded in the complaint and the summoning order. In view of their settled residence abroad and advanced age, there is no possibility of their fleeing from justice. The Petitioners are ready and willing to face trial and undertake to abide by any stringent conditions that may be imposed by this



Hon'ble Court. There is thus no tangible or substantive prosecution evidence warranting the continued incarceration of the petitioner. In view of the above, learned counsel prays for grant of regular bail to the petitioner.

5. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of regular bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. Without expressing any opinion on the merits of the case, this Court considers the present petition in the backdrop of the specific facts brought to its notice. It is not disputed that the petitioners are senior citizens and have remained in custody since 23.02.2026 for a period of more than one month. The record further reflects that the petitioners were declared proclaimed offenders and were arrested upon their arrival in India while attending a family function. It has been contended on their behalf that they were residing abroad and were not aware of the pendency of the proceedings, particularly in view of the fact that their son had already obtained a divorce from the complainant in London.

8. At this stage, the question as to whether the petitioners were duly served, the validity of their declaration as proclaimed offenders, and the effect of the matrimonial proceedings abroad are all issues which require proper adjudication and are already stated to be pending consideration before this Court. In such circumstances, continued incarceration of the petitioners would not serve any meaningful purpose.



9. Considering their advanced age, the period of custody, and the nature of the issues involved, this Court is of the view that their presence during the proceedings can be sufficiently secured by imposing appropriate conditions. Accordingly, without commenting on the merits of the case, the petitioners are held entitled to the concession of regular bail.

10. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

11. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed



hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 12. Ordered accordingly.
- 13. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 14. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(NEERJA K. KALSON)
JUDGE

30.03.2026		
pry	Whether Speaking/reasoned	Yes/No
	Whether Reportable	Yes/No