



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

188

CRM-M-16658-2026 (O&M)

Date of decision:25.03.2026

Lakhveer Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kirat Pal Dhaliwal, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 21.10.2024, Annexure P-8, passed by learned Judicial Magistrate 1st Class, Barnala, in case FIR No.111 dated 06.03.2021 registered under Sections 458, 323 and 506 IPC (corresponding to Sections 331(6), 115(2) and 351 of BNS), at Police Station City Barnala, District Barnala, vide which the petitioner was declared as proclaimed offender.
2. Learned counsel submits that the petitioner was granted bail in the FIR registered against him, wherein challan was presented on 03.03.2022 and he continued to appear before the trial Court thereafter. However, on 18.09.2023 he travelled to Canada and returned only on 28.02.2026 for which reference is made to Immigration Stamps of departure and returned, Annexures P-3 and P-11, as he continued to stay in the said country due to his medical/mental health issue requiring hospitalization, medical records Annexures P-9 and P-10. However, his bail was cancelled on 11.12.2023 and he has been declared proclaimed person vide order dated 21.10.2024 without the Court recording its subjective satisfaction that he had absconded and concealing himself as is the



requirement under Section 82 Cr.P.C. Thus, the procedure mandated under Sections 41, 105 and 82 Cr.P.C. had not been followed. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down comprehensive guidelines in this regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries which provide for serving of documents. Thus, the proclamation proceedings being in violation thereof are liable to be set aside, however, 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.

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 the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

8. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, decided on 06.02.2020, noticing the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that he was was in Italy at the time of registration of FIR on 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.04.2014 and even on the date of passing of the above order.

9. This Court in **Satvir Singh vs. State of Punjab and another**, CRM-M-27621-2025, 20.05.2025, while relying on **Rohit Kumar vs. State of Delhi 2008 Crl. J. 2561**, has held that Court must be prima facie satisfied that the person absconded or is concealed himself so that warrant of arrest, previously issued, cannot be executed, despite due diligence.

10. 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.

11. 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.

12. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 21.10.2024, is set aside.

13. 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 Nanhi Jaan Trust having its Account No.134101000271, IFSC Code-ICIC0001341, Bank ICICI Bank, Sector-34, 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.

14. The petition is disposed of.

15. 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