

CRM-M-17692-2026 (O&M) 1

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

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CRM-M-17692-2026 (O&M)
Date of decision:02.04.2026

Balwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S. S. Cheema, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned order dated 21.09.2019, Annexure P-6, passed by learned CJ(JD), Nakodar, in case FIR No.81 dated 20.08.2016 registered under Sections 307, 353, 186, 294, 332, 427, 148 and 149 IPC, at Police Station Lohian, District Jalandhar Rural, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the allegations in the FIR are against the persons who had staged a protest with regard to malnutrition of the drinking water, however prior to the registration of the same, the petitioner was residing in Canada for which a reference is made to his passport, Annexure P-2. Five other accused stand acquitted vide judgment dated 13.12.2022, Annexure P-7. Despite there being a specific report by the Serving Constable, Annexure P-5, that he had gone abroad, 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. He has been declared proclaimed person vide the impugned order, without the Court recording its subjective satisfaction that he had absconded and concealing himself as is the requirement under Section 82 Cr.P.C. Therefore, the proclamation proceedings being in violation thereof are liable to be set aside. He, however, is ready and willing to join the proceedings and prays that one last opportunity may be granted, even if the same is subject to costs, to him to surrender in 2 months and seek his legal remedy before the trial Court.

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.

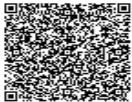
7. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

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 21.09.2021, is set aside.

13. The petitioner is directed to surrender before the learned trial Court within a period of 8 weeks to seek his remedy for grant of bail in accordance with law and deposit Rs.25,000/- as costs with Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201 within a period of two weeks. Till then, no coercive steps be taken against him.

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

02.04.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No