



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

163

CRM-M-17537-2026 (O&M)

Date of decision:02.04.2026

Jatinder Singh @ Tinda

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jatinder Singh Gill, 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 18.12.2025, Annexure P-10, passed by learned Judicial Magistrate 1st Class, Batala, in case FIR No.07 dated 21.01.2022 registered under Sections 420, 427 of IPC (Section 318 and 324 of BNS, 2023 and Section 61 and 78 (2) of the Punjab Excise Act at Police Station Rangar Nanga, Police District Batala, District Gurdaspur, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was granted interim bail vide order dated 31.01.2022, Annexure P-2, which was made absolute on 08.02.2022, whereafter challan was presented on 11.01.2023 and charges were framed on 08.05.2023 and he continued to appear regularly but for 08.01.2025



as he had been declared proclaimed offender in another case which was also pending before the same Court. It was set aside on 22.12.2025 in CRM-M-72325-2025, however, since he was declared proclaimed offender in this case on 18.12.2025, he was unable to surrender and is seeking extension of time for it. The said order challenged in the present case is stated to be passed without following the procedure of Section 82(1)(a) of Cr.P.C. in letter and spirit as the same was not publicly read. 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. Reliance is placed on the judgment of this Court in **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023.

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 **Satish Chouhan** (supra), this Court held that where the accused had already sold his house long before the process was issued and had shifted elsewhere, the proclamation served at the old address could not be treated as due service, and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

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 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.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 18.12.2025, is set aside.

11. 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 Nofal Ek Umeed Charitable Trust, running langar sewa for poor patients and their relatives in PGI Chandigarh, having its Account No.0579073000000156, IFSC Code-IFSCSIBL0000579, Bank- The South India Bank Limited, 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.

12. The present petition is accordingly allowed.
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

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