

2026:PHHC:070698



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

268

CRM-M-19839-2025 (O & M)

Date of decision: 06.05.2026

RAMAN KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Karantar, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNS for quashing the order dated 12.10.2022, Annexure P-5, whereby the petitioner was declared a proclaimed person.

2. Learned counsel submits that the petitioner was granted bail on 09.01.2020, whereafter no proceedings took place on account of Covid-19 Pandemic w.e.f. 15.04.2020 to 19.05.2021. No notice was issued to him post Covid-19 and, therefore, could not appear before the trial Court on 29.11.2021, which led to the cancellation of his bail and issuance of non-bailable warrants. He was working in Chandigarh and having been evicted from his home, affidavit with regard to which of his mother has been appended as Annexure P-4. It is on the statement of his sister, who was against him that he came to be declared a proclaimed person. As such, the proclamation was not read publically in some

conspicuous place of the area where he was residing and, therefore, the impugned order is stated to be passed without following the procedure of Section 82(1)(a) of Cr.P.C. in letter and spirit. 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 (CrI.) 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 12.10.2022, is set aside.

11. The petitioner is directed to surrender before learned trial Court on or before 21.05.2026 and on doing so, he shall be released on bail subject to its satisfaction and deposit costs of Rs.10,000/- 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. On furnishing bail/surety bonds, he is also directed to furnish undertaking by way of an affidavit that he

will appear on each and every date of hearing before the 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 petition is disposed of.

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.

06.05.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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