

2026.PHHC.055806



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

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CRM-M-19079-2026 (O&M)
Date of decision: 09.04.2026

Parveen Begum ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Jasmine Garg, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petitions for quashing the impugned orders dated 07.11.2024 and 03.03.2025, Annexures P4 and P7, passed by learned Special Court, Sangrur, in case CIS No.NDPS/26/2021 arising out of FIR No.101 dated 08.04.2020, vide which the petitioner was declared as proclaimed offender.
2. Learned counsel submits that the petitioner was granted bail as has been stated in para 3 and was appearing before the trial Court regularly after challan was presented on 25.10.2020 but for certain dates, as mentioned in zimni orders, Annexure P-2, for circumstances beyond her control, including restrictions and disruptions caused during the Covid-19 pandemic. Vide order dated 11.05.2022, learned trial Court cancelled her bail and forfeited bonds and straightway issued non-bailable warrants which were received back unexecuted, for which reference is made to zimni orders passed from 2022 to 2024, Annexure P-3. As is apparent from order dated 19.12.2024, Annexure P-5, learned trial Court itself recorded that the proclamation issued against her had

not been properly effected and the executing official had submitted an incorrect/false report, for which show cause notice was issued. The learned trial Court vide orders dated 10.02.2025 and 25.02.2025, Annexure P-6, recorded serious lapses on the part of the executing agency, including non-compliance by the concerned official and even coercive steps such as attachment of salary were taken, clearly demonstrating that the execution process itself was unreliable. She was declared proclaimed offender without recording any satisfaction of she being absconding or evading the process, thus, the provisions of Section 82 Cr.P.C. had not been complied with in letter and spirit, especially when in the order dated 31.01.2026 it has come on record that she was in custody in another case and accordingly production warrants were issued, pursuant to which she was produced through video conferencing on 16.02.2026 and 07.03.2026 showing that she is available to face the trial and as a matter of fact having undergone the sentence in the other case, be permitted to join the proceedings in the present matter, for which one last opportunity is prayed for that may be subject to the costs.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent-State and submits that the impugned orders are legal and valid on account of the fact that she had absented from the proceedings before the trial Court without any just cause

5. Heard.

6. 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.PC. 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.

7. 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.

8. 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.

9. 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.

10. Considering the fact that the absence of the petitioner was not wilful or deliberate and her 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 her 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 petitions are allowed.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned orders dated 07.11.2024 and

03.03.2025, Annexures P-4 and P-7, are set aside.

12. She is directed to surrender before learned trial Court within 2 weeks, and deposit Rs.10,000/- as costs with Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh, having its Account No.110410011001558, IFSC Code-UBIN0811041, Panchkula Branch, Panchkula, within a period of 10 days. On furnishing bail/surety bonds, she is also directed to furnish undertaking by way of an affidavit that she will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. She 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.

13. The petition is disposed of.

14. 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

09.04.2026
ashok

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