

2026:PHHC:058228



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

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CRM-M-20498-2026 (O & M)

Date of decision: 17.04.2026

BHUPEN SINGLA

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 17.01.2025, Annexure P-1, passed by learned Judicial Magistrate Ist Class, Kapurthala, whereby the petitioner has been declared as proclaimed person.

2. Learned counsel submits that in the complaint filed under the Insecticides Act, the petitioner was regularly appearing before the trial Court, but for 02.07.2024 on account of miscommunication with regard to the date, his father being an acute diabetic patient and he having to travel about 280 kms., consequent where to, warrants of arrest were issued against him and he was declared a proclaimed person, without there being recording any finding that he is absconding or evading the process, as such provisions of Section 82 Cr.P.C. were not complied with in letter and spirit. He is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to him to surrender before learned trial Court, which may be even subject to costs. To buttress his submission,

reliance is placed on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

3. Notice of motion.

4. Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of respondent-State and 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.

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.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.

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 has 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 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.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 17.01.2025, Annexure P-1, is set aside.

12. The petitioner is directed to surrender before the trial Court on or before 01.05.2026 and on so doing, shall be released on bail subject to its satisfaction and payment of costs of Rs.25,000/- to be deposited with the Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201. 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.

13. Disposed of accordingly.

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.

17.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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