

2026:PHHC:059434



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CRM-M-20944-2026
Date of Decision: 20.04.2026

GURDEEP SINGH @ SONU

... Petitioner

VERSUS

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. M.S. Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

Prayer made in the present petition is for quashing the impugned order dated 23.02.2026, Annexures P-12, passed by learned JMIC, Nakodar, in case CIS No.CHI-75-2025 arising out of FIR No.50 dated 06.03.2022, vide which the petitioner was declared as proclaimed person.

2. Learned counsel submits that the petitioner was granted anticipatory bail vide order dated 24.10.2024, Annexure P-2 passed by the learned Addl. Sessions Judge, Jalandhar. Thereafter, the challan was presented before the trial Court on 14.02.2025 at his back and he could not know about the filing of challan, due to which he could not appear before the trial Court despite issuance of processes in accordance with law and eventually, the petitioner was declared proclaimed person on 23.02.2026. He further submits

that the provisions of Section 82 of the Cr.P.C. have not been duly complied with in letter and spirit since the proclamation allegedly issued against the petitioner has not been read over publicly in some conspicuous place of the vicinity and has not been executed in a proper way known to law. Learned counsel for the petitioner further submits that the petitioner 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 order is legal and valid on account of the fact that the petitioner had absented from the proceedings before the trial Court without any just and reasonable 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 as nullity.

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 willful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to him, 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 23.02.2026, Annexure P-12 is set aside.

11. He is directed to surrender before learned trial Court within 2 weeks, and deposit Rs.15,000/- 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, 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.

APRIL 20, 2026.
Rajender

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No