



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

148

CRM-M-22762-2026 (O&M)

Date of decision: 27.04.2026

Rocky

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. M.S. Hundal, Advocate for the petitioner (Through V.C.)

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 20.12.2025, whereby the petitioner has been declared as proclaimed person in FIR No.0145 dated 29.07.2024, registered under Section 61/1/14 of Punjab Excise Act, at Police Station City Tarn Taran, District Tarn Taran.

2. Learned counsel submits that the petitioner was granted bail in the FIR vide order dated 19.11.2024, Annexure P-2, whereafter, he was regularly appearing before the trial Court but for 11.08.2025, due to mis-communication between him and his learned counsel, leading to cancellation of his bail and forfeiture of bail/surety bonds along with issuance of non-bailable warrants, which were received back unexecuted. Consequently, he was declared proclaimed person vide order dated 20.12.2025, Annexure P-5 without the compliance of the mandatory provision of Section 82 Cr.PC, as neither the proclamation was signed by him or his family members, it was not read publicly in some conspicuous place of the area and to this effect, even the report of the serving official is silent. 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. To buttress his submission, reliance is placed on the judgment 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. At the asking of the Court, 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** (supra), 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. 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 him 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 20.12.2025, Annexure P-5, is set aside.

11. He is directed to surrender before the learned trial Court on or before 13.05.2026, subject to deposit of Rs.15,000/- as costs with Day Care Centre for elderly disabled in home for old & destitute people, Sector-15, Chandigarh, having its Account No.0537010195720, IFSC Code: PUNB0008700, Punjab National Bank, Sector 17-B, 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.

(AMAN CHAUDHARY)
JUDGE

27.04.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No