



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

137

CRM-M-21600-2026 (O&M)

Date of decision: 22.04.2026

Sukhpreet Kaur and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Surinder Garg, Advocate for the petitioners

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned order dated 31.10.2017, Annexure P-11, in case FIR No.115 dated 04.09.2012, registered under Sections 420, 465, 468, 471 IPC (Corresponding Sections 318, 336(2), 336(3), 340(2) BNS), at Police Station Sadar Kotkapura, District Faridkot, vide which the petitioners were declared as proclaimed persons.

2. Learned counsel submits that the petitioners were summoned on an application filed under Section 319 Cr.P.C., however, were not served by ordinary process or bailable or non-bailable warrants, on account of the fact that they were abroad, as stated in para Nos.3 & 5 of the petition. Consequently, they have been declared persons vide order dated 31.10.2017, without following the procedures under Sections 41, 105 and 82 Cr.P.C. had not been followed. Therefore, the proclamation proceedings being in violation thereof are liable to be set aside. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down comprehensive guidelines in this



regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries which provide for serving of documents. Even otherwise, now a compromise has been arrived at between the parties on 01.01.2018, Annexure P-12 as also one of the co-accused already stands acquitted. They are ready and willing join the proceedings, for which they have obtained visa and tickets, Annexure P-13 to come back on 22.04.2026-today itself and prays that one last opportunity may be granted, even if the same is subject to costs, to them to surrender and join proceedings.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S. Saroha, DAG Haryana and submits that the order passed against the petitioners is legal and valid on account of the fact that they 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. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.

9. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, decided on 06.02.2020, noticing the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that he was was in Italy at the time of registration of FIR on 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.04.2014 and even on the date of passing of the above order.

10. 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.

11. 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.

12. Considering the fact that the absence of the petitioners was not wilful or deliberate and their readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to them, no prejudice shall be caused to any of the parties, rather thei 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.

13. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 31.10.2017, is set aside.

14. The petitioners are directed to surrender before the learned trial Court within a period of 2 weeks and furnish their bail/surety bonds, subject to deposit Rs.25,000/- 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 so doing, the trial Court shall release them on bail subject to its satisfaction. They are also directed to furnish an undertaking by way of an affidavit that they will appear on each and every date of hearing before the learned Appellate Court, unless specifically exempted by the Court. They 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.

15. The petition is disposed of.

16. Before parting with this order, it is made abundantly clear that in case the petitioners do not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

22.04.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No