

2026.PHHC:070313



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

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CRM-M-23892-2026 (O&M)

Date of decision: 06.05.2026

Arshdeep Singh @ Arshi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Dua, Advocate for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 13.04.2023, Annexure P3, passed by learned Additional District and Sessions Judge-VI, in case CIS No.NDPS-442-2022 arising out of FIR No.163 dated 20.06.2021, vide which the petitioner was declared as proclaimed offender.

2. Learned counsel submits that the petitioner was granted regular bail in this case vide order dated 20.08.2021 and continued to appear regularly but for 27.02.2023 on account of being in custody from 02.02.2023 to 01.04.2023 in FIR No.18 dated 28.01.2023 when he was granted bail vide order 10.04.2026, Annexure P4. Thus, the procedure prescribed under Section 82(1)(a) Cr.P.C. has not been complied with in letter and spirit while declaring him as proclaimed offender vide the impugned order. 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.

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 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.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 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 13.04.2023, Annexure P-3, is set aside.

11. He is directed to surrender before the trial Court on or before 20.05.2026 and on so doing, shall release him on bail subject to its satisfaction and deposit Rs.10,000/- as costs with Shri Sanatan Dharma Adhyan Kendra (Regd.), A/c No.0575000100044792, Punjab National Bank, Sector 16-D, Chandigarh, 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.

(AMAN CHAUDHARY)
JUDGE

06.05.2026
ashok

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