



CRM-M-27584-2025 (O&M) -1-

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

169+304

CRM-M-27584-2025 (O&M)

Date of decision:11.03.2026

Sumit Jain

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurkirpal Singh Goldy, Advocate, for
Ms. Neetu Singh Aashat, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)**CRM-9551-2026**

For the reasons mentioned in the application, the same is allowed and statement of HC Harsimran Singh and order dated 23.11.2011 are taken on record as Annexures A1 and A2 respectively.

Main case

1. Prayer made in the present petition for quashing the impugned order dated 23.11.2011, Annexure P-4, passed by learned Chief Judicial Magistrate, in case FIR No.163 dated 05.12.2009 registered under Sections 341, 323 and 506 IPC, at Police Station City Hoshiarpur, District Hoshiarpur, vide which the petitioner was declared as proclaimed offender.

2. Learned counsel submits that the offences being bailable, the petitioner was granted bail alongwith his mother in 2009, whereafter he had left the country and went to Portugal. The bailable warrants could not be served



upon him and despite the aforesaid fact, he was declared a proclaimed person without complying with the procedure of Sections 82/105 of Cr.P.C., as the publication was not read publicly at any place, as is evident from statement of the serving constable, Annexure A-1. In the interregnum, co-accused has however been acquitted vide judgment dated 09.06.2012 passed by learned Chief Judicial Magistrate, Hoshiarpur, Annexure P5. Mover, the matter stands settled between the parties, in which regard reference is made to the compromise deed, Annexure P7. The petitioner is now very much in the country and prays that one opportunity may be granted to him to join proceedings before the trial Court.

3. Learned State counsel 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.

4. Heard.

5. 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.

6. In **Sonu vs. State of Haryana**, 2021 (1) RCR (CrI.) 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.



7. 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.

8. 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 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.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 23.11.2011, is set aside.

10. He is directed to surrender before the trial Court on or before 25.03.2026 and on so doing, he shall release him on bail subject to its satisfaction, subject to costs of Rs.15,000/- to be deposited with 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.

11. The petition is disposed of.



12. 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

11.03.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No