

2026:PHHC:080564



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

146+148

Date of decision: 21.05.2026

CRM-M-29069-2026

KULDEEP SINGH V/S STATE OF HARYANA AND ANOTHER

CRM-M-29085-2026

KULDEEP SINGH V/S STATE OF HARYANA AND ANOTHER

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naresh K. Chhokar, Advocate,
for the petitioner.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS 2023 for quashing the orders dated 28.04.2026 whereby the petitioner has been declared proclaimed person in complaints, Annexure P-1 in both petitions.

2. Learned counsel submits that respondent No.2 had initially filed two complaints under Section 138 NI Act, as also civil suit No.297 of 2020 for specific performance of agreement to sell, wherein he was granted bail on 16.01.2024, but after FIR No.98 was registered on 15.03.2024, he could not appear in that complaints under NI Act, as his anticipatory bail had been dismissed on 12.11.2025 therein, which though was finally granted by Hon'ble the Supreme Court on 21.01.2026, Annexure P-6. Thereafter, he filed petition for grant of anticipatory bail in complaint cases wherein notice of motion was issued but during pendency thereof, his bail was cancelled and, he was declared proclaimed person in

both the complaints, vide the impugned orders, without considering the fact that he was availing of the remedy available to him, in accordance with law, as also recording its subjective satisfaction that he had absconded and concealed himself as is the requirement under Section 82 Cr.P.C. Therefore, the proclamation proceedings being in violation thereof are liable to be set aside. He, however, 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, even if the same is subject to costs.

3. Notice of motion.

4. At the asking of the Court, Mr. B.S.Saroha, DAG, Haryana, accepts notice on behalf of the respondent No.1-State and submits that the orders passed against the petitioner are legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

5. No order prejudicial to the rights of respondent No.2 is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon her.

6. Heard.

7. 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.

8. 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.

9. 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 has concealed himself so that warrant of arrest, previously issued, cannot be executed, despite due diligence.

10. 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.

11. 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 petitions are allowed.

12. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned orders dated 28.04.2026 (in both cases), are set aside.

13. The petitioner is directed to surrender before learned trial Court on or before 05.06.2026 and deposit costs of Rs.10,000/-(in each case) to be paid to respondent No.2-complainant, whereupon, he be released on bail subject to its satisfaction. On furnishing bail/surety bonds, he is also directed to furnish an undertaking by way of affidavit that he will appear on each and every date of hearing before the learned 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.

14. The present petitions are accordingly allowed.

15. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petitions shall be deemed to have been dismissed without any reference to this Court.

16. Photocopy of this order be placed on the connected file(s).

21.05.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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