



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

131

CRM-M-29588-2026 (O&M)

Date of decision: 22.05.2026

Jagjot Singh

....Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arjun Veer Sharma, Advocate for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 22.05.2025 and 08.12.2025, whereby the petitioner has been declared as proclaimed person in FIR No.126 dated 17.09.2022, registered under Section 25/54/59 of Arms Act, at Police Station West, Sector-11, Chandigarh.

2. Learned counsel submits that the petitioner was granted regular bail in the FIR vide order dated 23.09.2022, Annexure P-2, whereupon the challan was presented on 04.05.2023 and the charges have been framed on 06.06.2023 and he was regularly appearing before the trial Court but for 19.09.2024 onwards, by which time, 6 PWs had been examined in his presence, whereafter, he was given to understand that he has been released on probation and no more required to appear, while on the other hand, his learned counsel without any signatures of the petitioner or his relatives, filed applications for exemption, consequently, his bail was cancelled. The non-bailable warrants were issued at the incorrect address i.e. H.No.935/1, Street No.6, Opposite SBI



Nirankari Mohalla, Ludhiana, City Jagroan, Ludhiana Rural, Punjab and the service report was received with the report that no such person was residing at the given address. Consequently, proclamation was also issued at the same very address and he was declared proclaimed person vide order dated 22.05.2025, Annexure P-4, without 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.

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 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. In the case of **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023, this Court held that where the accused had already sold his house long before the process was issued and had shifted elsewhere, the proclamation served at the old address could not be treated as due service, and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

9. 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.

10. 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.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 22.05.2025, Annexure P-4, is set aside.

12. He is directed to surrender before the learned trial Court on or before 06.06.2026, subject to deposit of Rs.15,000/- as costs with Shri Sanatan Dharma Adhyan Kendra (Regd.), A/c No.0575000100044792, Punjab National



Bank, Sector 16-D, Chandigarh. On furnishing bail/heavy local 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.

13. The petition is disposed of.

14. 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

22.05.2026
M.Kamra

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