



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

308-2

CRM-M-40781-2025 (O&M)

Date of Decision : 20.01.2026

PARIMINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. S.K. Kanojia, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)CRM-31863-2025

This is an application filed under Section 528 BNSS to place on record copy of order dated 14.09.2023 passed in CRM-M-59626-2022 as Annexure P-14.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure P-14 is taken on record.

CRM-M-40781-2025

1. Petitioner, an accused in case FIR No.64 dated 10.04.2019 registered against him, at Police Station Tanda, District Hoshiarpur, for commission of offences punishable u/s 324 IPC (Section 326 IPC added later on), has filed the present petition under Section 528 of BNSS, for quashing of the order dated 04.12.2019 (Annexure P-11), vide which he was declared as "*Proclaimed Offender*".

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and that immediately after lodging of the FIR, he went to Italy on 11.04.2019. Thus, petitioner was not aware about the



institution of the aforesaid case. It is further the submission of learned counsel that once the report had been received by the trial Court that petitioner has left for foreign land, appropriate recourse to Section 105 Cr.P.C. (now Section 110 BNSS) should have been taken. While referring to the copies of interim orders, appended along with case file, it is further the submission of learned counsel that the learned trial Court has wrongly initiated proceedings u/s 82 Cr.P.C. and based on the report submitted by the Executing Constable, arrived at a conclusion that petitioner is deliberately avoiding to appearing before the Court concerned.

The second leg of submission raised by learned counsel for the petitioner is that now with the intervention of respectables of the village, the matter has been amicably resolved. In this context, attention of the Court has also been drawn to the compromise deed dated 03.01.2025 (Annexure P-3).

Primarily with this backdrop, learned counsel prays that lenient view be taken in faovur of the petitioner and impugned order dated 04.12.2019 (Annexure P-11) be set aside. It is further the contention of the learned counsel that now the petitioner is wanting to return back to India and join the trial proceedings. Learned counsel further intimates that on coming to India, petitioner would surrender before the Court concerned. However, he requests that the petitioner may kindly be granted adequate protection from his arrest, thereby enabling him to surrender before the learned trial Court/Illaq Magistrate concerned.

3. Heard. Before proceeding further, let us carefully go through Section 105 Cr.P.C (now Section 110 BNSS), which reads as under:-



“105. Reciprocal arrangements regarding processes.

(1) *Where a Court in the territories to which this Code extends (hereafter in this section referred to as the said territories) desires that*

(a) *a summons to an accused person, or*

(b) *a warrant for the arrest of an accused person, or*

(c) *a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or*

(d) *a search-warrant,*

[issued by it shall be served or executed at any place, -

(i) *xxxxxxxx*

(ii) *in any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and sent to such authority for transmission, as the Central Government may, by notification, specify in this behalf;]*

(2) *Where a Court in the said territories has received for service or execution -*

(a) *a summons to an accused person, or*

(b) *a warrant for the arrest of an accused person, or*

(c) *a summons to any person requiring him to attend and produce a document or other thin or to product it, or*

(d) *a search-warrant,*

[issued by -

(i) *a Court in any State or are in India outside the said territories;*



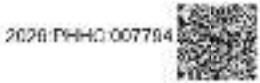
(ii) a Court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed] as if it were a summons or warrant received by it from another Court in the said territories for service or execution within its local jurisdiction; and where -

(i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by Sections 80 and 81;

(ii) a search-warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by Section 101 :

[Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such authority as the Central Government may, by notification, specify in this behalf.]”

From the documents on record, it is apparent that on the basis of complaint lodged by one Surjeet Singh, s/o Piara Singh, r/o Dumana, Police Station Tanda, District Hoshiarpur, criminal proceedings vide FIR No.64 dated 10.04.2019, were registered against the present petitioner. This FIR was lodged on 10.04.2019. Copy of the passport of petitioner (Annexure P-2) further goes to show that on 11.04.2019, petitioner had left India. It is in the light of the facts mentioned hereinabove that this Court agrees with the submissions advanced by learned Court for the petitioner that to procure presence of petitioner, learned trial Court ought to have initiated proceedings u/s 105 Cr.P.C. (now Section 110 BNSS). Admittedly, the said procedure has not been adhered to by the Court below.



4. Resultantly, for want of compliance of the procedure so mentioned in Bharatiya Nagarik Suraksha Sanhita, proclamation order dated 04.12.2019 (Annexure P-11) is hereby set aside. In view of the prayer made by learned counsel, coupled with the fact that the petitioner is ready and willing to return to India and to surrender before the learned trial Court/Illaqa Magistrate concerned, and that, the underlying object behind declaring any person a “*Proclaimed Person/Offender*” is to secure his presence for facing trial, this Court deems it appropriate to grant an opportunity to the petitioner to surrender before the learned trial Court/Illaqa Magistrate concerned within a period of 15 days from today i.e. till 04.02.2026. The arrest of petitioner shall remain stayed only up to 04.02.2026 and he shall not be arrested at the Airport concerned, upon his arrival from abroad.

However, it is clarified that if the petitioner does not, comply with aforesaid direction and surrender before the learned trial Court/Illaqa Magistrate concerned upto the stipulated period, the protection regarding his arrest, as granted hereinabove, shall stand *ipso facto* vacated, without any further reference to this Court.

It is also clarified that the moment the petitioner surrenders, this order granting interim protection would cease to operate, and thereupon, the learned trial Court/Illaqa Magistrate concerned shall proceed further in accordance with law. No observations made hereinabove shall have any bearing on the merits of the bail application, which shall be decided, as per law.

Accordingly, the instant petition stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

20.01.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No