

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

Date of decision: February 18, 2026

(1) CRM-M-21801-2025

PARAMJIT SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

(2) CRM-M-43108-2025

RANJODH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jasdev Singh Mehndiratta, Senior Advocate with
Mr. Navreet Dhaliwal, Advocate and
Ms. Jyotnoor Kaur Sethi, Advocate
for the petitioners (in CRM-M-21801-2025).

Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Gaurav Jain, Advocate and
Mr. Dev Kumar Ahlawat, Advocate
for the petitioner (in CRM-M-43108-2025).

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab.

Mr. Anant Bir Singh Sidhu, Advocate
for the complainant.

TRIBHUVAN DAHIYA, J. (ORAL)

Both these petitions are being decided together since the petitioners in these cases have been declared proclaimed persons vide a common order, dated 04.03.2025, in FIR no.81 dated 18.07.2023, registered under Sections 148, 149, 307, 323, 325, 452, 506 of IPC and Section 25 of the Arms Act, at Police Station Anaj Mandi, Patiala.

2. Learned senior counsel contended that the impugned order, dated 04.03.2025, declaring the petitioners as proclaimed persons has been passed casually. It is on the basis of the statement of ASI Ajai Singh, dated 04.03.2025, Annexure P-7, whereby he is stated to have served the warrants upon them by affixing the same outside their houses. A perusal of the statement itself makes it clear that proper service of warrants was not effected as the petitioners being residents of villages in different tehsils and districts, could not have been practically served on the same date in the manner stated. Accordingly, the very basis of declaring them proclaimed persons is missing. The casual approach is also apparent from the fact that the reports of the serving Constable, dated 27.01.2025, recorded for each of the petitioners separately, are the same. In the case of petitioner Karamjit Singh it reads as under:

It is submitted that in compliance to order passed by the Hon'ble Court, I alongwith my colleague reached at the house of KARAMJIT SINGH S/O JANG SINGH and enquired about Karamjit Singh, but he was not found present. Accordingly, a copy of the order passed is pasted outside house of Karamjit Singh. One additional copy of the order is pasted at a public place. One copy of the same is also pasted outside the court on the notice board. Report is submitted please.

Other reports are identical except the name of the petitioner concerned (the fact has not been disputed by the State). Learned senior counsel has further contended that declaring the petitioners proclaimed persons have serious consequences, as even their right to seek pre-arrest bail in the case will be prejudiced. The perfunctory manner in which the entire process has been carried out defeats its whole purpose.

3. *Per contra*, learned State counsel has referred to the affidavit, dated 19.12.2025, filed on behalf of the State to contend that there is nothing impractical about effecting service upon the petitioners, as all the six villages where they are staying are within a radius of forty-four kilometers. The paragraph in the affidavit referred to by him in this regard reads as under:

16. That the contention of the petitioner regarding impracticability of service of proclamation is misconceived, as all six villages are within a radius of 44 kilometers, and the petitioner's village is merely 6 kilometers from Patiala, making service feasible and lawful.

4. Considering the submissions, it is apparent on record that the basis of declaring the petitioners proclaimed persons is identical reports by the serving constable, dated 27.01.2025, and his statement, dated 04.03.2025, recorded on the same lines which do not meet the necessary requirements of Section 82 Cr.P.C. Although it has been mentioned therein that a copy of the order was pasted outside the house, the second one at a public place, and the third one outside the Court, there is no mention of the specific public place where the notice was actually pasted, nor has it been mentioned as to whether presence of the petitioner concerned in his house was ascertained from anyone present in the house or at nearby place. Date and time of pasting the notices at these different places have also not been specified. Besides, the very fact all the reports are identical without the necessary particulars, give rise to a reasonable doubt that the procedure mandated under law has not been followed. Further, the affidavit filed on behalf of the respondent-State is also vague, as they have even failed to mention exact locations of the petitioners' houses and the

distances from the police station to justify their stand that all the petitioners could be served on the same day and almost at the same time.

5. In view thereof, these petitions are allowed and impugned order, dated 04.03.2025, is set aside. The petitioners are directed to join proceedings and appear before the trial Court on the next date of hearing, subject to payment of costs of ₹25,000 each to District Legal Services Authority, Patiala; receipts whereof shall be produced before the trial Court at the time of appearance. In case the directions are not complied with, this order will not come into effect and the proceedings pursuant to order dated 04.03.2025, shall continue.

6. A photocopy of this order be placed on the file of the connected case.

February 18, 2026
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

✓

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*