



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

301

CRM-M-53176-2024 (O&M)
Date of decision: 12.03.2026

Major Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J.S. Dadwal, Advocate for the petitioner

Mr. Rahul Kumar Adia, AAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for setting aside the impugned order dated 31.08.2024 passed by learned Judicial Magistrate First Class, Ludhiana, in case FIR No.217 dated 09.11.2022, under Sections 420, 465, 466, 467, 471, 120-B IPC, registered at Police Station Salem Tabri, Ludhiana, vide which the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner submits that the petitioner was declared proclaimed person without the 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. 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** (supra), 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 (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.

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 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.

9. In view of the afore-mentioned judgments and the facts and



circumstances of the case, the impugned order dated 31.08.2024, Annexure P-3, is set aside.

10. He is directed to surrender before the learned trial Court on or before 27.03.2026 and is at liberty to apply for anticipatory/regular bail in the main case before the learned trial Court.

11. The petition is disposed of.

12. 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

12.03.2026
M.Kamra

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