



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

261-2

CRM-M-52658-2025 (O&M)

Date of decision:09.04.2026

Harinder Singh @ Sunny

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Vaishali Thakur, Advocate, for
Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab

Mr. Ankit Sharma, Advocate,
for respondent No.2.

AMAN CHAUDHARY, J. (ORAL)**CRM-40151-2025**

For the reasons mentioned in the application, the same is allowed and the copy of the passport of the petitioner is taken on record as Annexure P-16.

Main case

1. Prayer made in the present petition is for quashing the impugned order dated 05.03.2021, Annexure P-14, passed by learned Judicial Magistrate 1st Class, Kapurthala, in case FIR No.62 dated 15.09.2016, registered under sections 324, 160, 148, 149 IPC (Section 326 IPC added later on), at Police Station Dhilwan, Kapurthala, vide which the petitioners were declared as proclaimed person.



2. Learned counsel submits that the petitioner was arrested on 18.03.2017, whereafter he was granted bail. He having received an opportunity to work abroad, left the country on 17.09.2017 for which reference is made to the entry in the passport, Annexure P-16. In his absence, straightway non-bailable warrants were issued vide order dated 14.02.2018 which were not received back. In the interregnum, vide judgment dated 15.03.2018, Annexure P-6, all other co-accused were acquitted. The petitioner, however, was declared proclaimed person vide order dated 05.03.2021 without complying with the procedure as envisaged under Section 82 and 105 of Cr. P.C.

3. Notice of motion.

4. Mr. Jasjit Singh, 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 himself 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.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.

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. 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.

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. 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 05.03.2021, is set aside.

12. The present petition is accordingly allowed.

(AMAN CHAUDHARY)
JUDGE

09.04.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No