

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

281

2026:PHHC:021233



CRM-M-65059-2025 (O&M).
Date of decision: 11.02.2026.

SUKHVIR SINGH WARIYAH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner(s).

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Seeking quashing of the impugned order of proclamation dated 25.05.2004 along with the impugned order dated 25.09.2004 passed by Sub Divisional Judicial Magistrate, Nawanshahar, in a case arising out of FIR bearing No.174 dated 13.10.2000, under Sections 452, 323 and 34 of the Indian Penal Code, 1860, registered at Police Station Banga, District S.B.S. Nagar, the instant petition has been filed.

2 The present case came up for hearing on 19.11.2025, when the following order was passed: -

“Learned counsel appearing on behalf of the petitioner inter alia contends that the petitioner has been declared as a proclaimed offender vide order dated 25.09.2004 in case bearing FIR No.174 dated 13.10.2000 registered under Sections 452, 323, 34 of the Indian Penal Code, 1860 at Police Station Banga, District SBS Nagar, notwithstanding that proclamation proceedings had not been carried out as per law. The description of the petitioner is incorrect as arrest warrants were issued in name of Lakhbir Singh son of Pal Singh instead of Sukhvir Singh son of Iqbal Singh. He further submits that even otherwise, the co-accused have been tried twice and on both the occasions, the prosecution has failed to prove its case beyond reasonable doubt resulting in judgment of acquittal passed in favour of the co-accused, one in the year 2005 and later in the year 2017. He contends that the petitioner is ready and willing to face the judicial proceedings and to meet the final outcome of the present case and he shall come to India within a period of four weeks from today.

Notice of motion.

On the asking of this Court, Ms. Savi Nagpal, AAG Punjab, accepts notice on behalf of the respondent-State and prays for some time to file the reply.

List on 11.02.2026.

In the event of the petitioner appearing before the trial Court within a period of 04 weeks from today and subject to payment of a cost of Rs.1,50,000/- to be deposited with the DHFWS SKS USERFEES CS OFFICE, PKL, Account No.50100189689492, IFSC Code: HDFC0004832, HDFC Bank Sector-6, Panchkula, the operation of the order dated 25.09.2004 passed by Sub-Divisional Judicial Magistrate, Nawanshahar, declaring the petitioner as a proclaimed offender shall remain stayed till the next date of hearing. The petitioner on such appearance shall be admitted to interim bail on his furnishing of fresh bail/surety bonds to the satisfaction of

the trial Court.”

3 Short reply by way of an affidavit of Harjit Singh, PPS, Deputy Superintendent of Police, Sub Division Banga, District Shaheed Bhagat Singh Nagar, on behalf of respondent-State has been filed today in the Court. Paras No.10 and 11 thereof reads thus: -

“10. That the deponent humbly submits that on 12.12.2025, the petitioner surrendered before the learned Trial Court in compliance of the aforesaid order dated 19.11.2025, passed by this Hon'ble Court in the present petition. The petitioner was enlarged on bail by the learned Trial Court in terms of the said order. It is further submitted that the petitioner has already been acquitted in the present case by the learned Trial Court vide judgement dated 21.01.2026.

11. That the deponent humbly submits that the contention of the petitioner that he has been wrongly declared as a proclaimed offender in the present case on account of mistaken identity is wholly wrong and denied. It is further submitted that the petitioner had filed an application for anticipatory bail in the year 2000 in the name of Lakhbir Singh and had duly signed all the relevant documents in Punjabi as Lakhbir Singh. Further, the court record, including the charge sheet whereby the learned Trial Court framed charges against the accused including the present petitioner, also bears the signatures of the petitioner as Lakhbir Singh. It is therefore submitted that Lakhbir Singh and Sukhvir Singh are one and the same person, and the plea of wrong identity raised by the petitioner is not correct and is liable to be rejected.”

4 It is thus evident from a perusal of the above that in compliance to the order dated 19.11.2025, the petitioner has surrendered before the trial Court and was enlarged on bail. It is further evident that the petitioner has already

been acquitted by the trial Court vide judgment dated 21.01.2026.

5 On the arrest warrant of petitioner having remained unexecuted, proclamation proceedings were initiated vide order dated 25.05.2004 and a proclamation was eventually issued on 25.09.2004

6 The claim of the petitioner that he was never served or became aware of the proceedings, being residing abroad, remain undisputed. It has also been established that consequent upon the order dated 19.11.2025, passed by this Court, the petitioner appeared before the Court and hence, since then been acquitted. No further proceedings were undertaken after the proclamation.

7 The object of issuance of proclamation is solely to secure presence of any person. Since the petitioner has already appeared before the trial Court and stands acquitted in FIR bearing No.174 dated 13.10.2000, under Sections 452, 323 and 34 of the Indian Penal Code, 1860, registered at Police Station Banga, District S.B.S. Nagar, hence, the order of proclamation ceases to be enforceable and executable. The said orders dated 25.05.2004 and 25.09.2004 are accordingly set aside.

8 The present petition is allowed in above terms.

February 11, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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