



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

141

CRM-M-68823-2025

Date of Decision : 13.01.2026

HARDEEP SINGH ALIAS LADDA

...Petitioner

VERSUS

JASWANT SINGH AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Labhan Paul Garg, Advocate for  
Mr. B.S Sidhu, Advocate  
for the petitioner.

\*\*\*\*

AARADHNA SAWHNEY, J. (ORAL)

1. Challenge in the present petition is to the order dated 22.03.2018 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Zira in Criminal Complaint bearing COMI No.12 dated 27.02.2015 titled '*Jaswant Singh Vs. Buta Singh and others*', vide which petitioner was declared as "*Proclaimed Person*".

2. Relevant facts as can be inferred from the documents on record are noticed hereinbelow:-

*Criminal Complaint bearing COMI No.12/2015 titled 'Jaswant Singh Vs. Buta Singh and others' was registered against petitioner and others for commission of offences punishable u/s 452, 326, 506, 324, 148, 149 of IPC. After leading the preliminary evidence, petitioner and others were summoned by the then learned JMJC in terms of summoning order dated 15.10.2016 (copy of the order not attached, date inferred from the copy of judgment dated 26.10.2022,*



*vide which the other accused were acquitted of the charges levelled against them).*

Perusal of the case file further reveals that petitioner, who was summoned in 2016, did not appear in the Court. On 05.02.2018, summons of petitioner were received back with the report that he has gone out of country (copy annexed as Annexure P-2). Based on the said report, the then learned Magistrate passed the following order:-

*“An application for seeking exemption the presence of accused Gora alias Gursharan Singh is allowed for today only.*

*Summons of accused Ladda received back unserved with the report that he has gone out of country. This Court is satisfied that the presence of accused Ladda cannot be procured through ordinary way except by adoptive coercive measures. Therefore, the proclamation under Section 82 Cr.P.C. be issued against accused Ladda for 23.02.2018. Serving official is directed to appear before the Court for recording his statement regarding execution of proclamation.”*

3. Submission of learned counsel for the petitioner is that petitioner was not aware of the pendency of the criminal complaint as he was not present in the country. In fact he had left for Dubai on 20.09.2017, in support of his submission, learned counsel has placed on record a copy of passport indicating that petitioner had left for Dubai on 20.09.2017 and had returned on 21.10.2025.

The second leg of submission raised by learned counsel is that learned Magistrate erred in initiating Proclamation Proceedings u/s 82 Cr.P.C. In the factual scenario of the case, when the report had been received that petitioner had left for foreign land, his presence ought to have been procured in accordance with provisions of Section 105 Cr.P.C. (Section 110 BNSS).



The third leg of submission raised by learned counsel for the petitioner for taking lenient view in favour of the petitioner is that co-accused have since been acquitted by the learned trial Magistrate vide judgment dated 26.10.2022 (Annexure P-5).

In the light of the aforesaid submissions learned counsel prays for setting aside order dated 22.03.2018 passed by the learned trial Magistrate. Learned counsel assures that petitioner further undertakes to surrender before the Court concerned and move an application for grant of bail. His only limited prayer is that the learned trial Court be directed to decide the bail application expeditiously.

4. 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) xxxxxxxxx*

*(ii) in any country of 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 thing or to produce 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 :

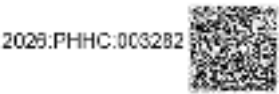
[Provided that in a case where a summons or search warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search warrant through such



*authority as the Central Government may, by notification, specify in this behalf.]”*

5. In the case in hand, admittedly, it was intimated to the trial Court that the petitioner has left for foreign land. In this eventuality, trial Court should have adhered to the procedure so prescribed under Section 105 (1)(ii) Cr.P.C., rather Proclamation Proceedings u/s 82 Cr.P.C. were initiated to procure presence of petitioner. Furthermore, without there being any material on record, to conclude that despite being aware of the pendency of proceedings, petitioner is deliberately avoiding to appear in the Court, the initiation of proclamation proceedings were unwarranted.

Resultantly, for want of compliance of the procedure so mentioned in Bharatiya Nagarik Suraksha Sanhita, proclamation order dated 22.03.2018 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 surrender before the learned trial Court/Illaq 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/Illaq Magistrate concerned within a period of 10 days from today i.e. till 23.01.2026. In case, he surrenders before the Court concerned, he be released on furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.



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.

Accordingly, the instant petition stands disposed of.

(AARADHNA SAWHNEY)  
JUDGE

13.01.2026  
Nisha Yadav

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |