

CRM-M-72851-2025

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**146 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-72851-2025 (O&M)
Date of Decision: 09.02.2026

Tehal Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurmohan Singh Bedi, Advocate, for the petitioner.

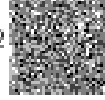
Rajesh Bhardwaj, J. (ORAL)**CRM-5640-2026**

Allowed as prayed for. Annexure P-10 is taken on record.

Main case

1. Prayer in the present petition is for quashing of impugned order dated 22.02.1992, declaring the petitioner as proclaimed offender in a case FIR No.221, dated 01.09.1988, registered under Sections 302, 307, 148, 149 IPC and under Sections 25 and 27 of the Arms Act, at Police Station Sadar Jalandhar, District Jalandhar.

2. It has been submitted by counsel for the petitioner that petitioner has been prosecuted in FIR No.221 dated 01.09.1988. He submits that the petitioner is a citizen of Canada. He submits that the petitioner has been illegally declared as proclaimed offender by learned trial Court vide order dated 22.02.1992 in blatant violation of mandatory provisions of Section 82 Cr.P.C. He further submits that co-accused of the petitioners have been tried by the trial Court, though they were convicted by the trial Court, however, they have been acquitted by this Court in an appeal filed by



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them. He further submits that the absence of the petitioner was totally unintentional and beyond his control. To show his bonafide, he has placed on record the flight tickets of the petitioner and submits that now petitioner is returning to India on 15.04.2026 and ready to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the order dated 22.02.1992 declaring the petitioner as proclaimed offender, deserves to be set aside.

3. Notice of motion.

4. Ms. Ramta Chowdhary, DAG, Punjab, accepts notice on behalf of the State. She has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was rightly declared proclaimed offender as he did not appear before the trial Court on several dates of hearing.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, he was declared as proclaimed person on 22.02.1992. As stated before this Court, now the petitioner is returning to India on 15.04.2026 and ready to join the proceedings before the trial Court. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to set aside the order dated 22.02.1992, declaring the petitioner as proclaimed offender. Accordingly, the order dated 22.02.1992 is set aside, subject to payment of costs amounting to Rs.3,00,000/-, to be paid by the petitioner equally i.e. Rs.1,50,000/- to the **Punjab and Haryana High Court Employees' Welfare Fund, Chandigarh**, and Rs.1,50,000/- to the **Punjab and Haryana High Court Bar Association Welfare Fund**, within

a period of seven days from the date of receipt of a copy of this order.

6. The petitioner is at liberty to appear before the trial Court within ten days from the date of his arrival in India and to file an appropriate application for grant of bail along with the receipt evidencing payment of costs of Rs.3,00,000/-. The trial Court shall consider and dispose of the said application, if any filed in accordance with law. The petitioner shall be granted protection from arrest for a period of ten days from the date of his arrival in India.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 22.02.1992 will come in force and the present petition shall be deemed to have been dismissed.

8. It is also made clear that, if any Look Out Circular (LOC) has been issued against the petitioner, the same shall remain in abeyance for a period of ten days from the date of his arrival in India.

9. Petition stands disposed of in abovesaid terms.

09.02.2026			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No