



CRM-M-13905-2026 (O&M)

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

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Date of decision: 23.03.2026

Pardeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 28.11.2014 (Annexure P-3) passed by learned Additional District Judge, whereby the petitioner has been declared proclaimed offender in case FIR No.140 dated 03.12.2011, under Section 21 of the NDPS Act, registered at Police Station Model Town, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner was granted bail and after presentation of the challan, he was regularly appearing before the trial Court, but for 08.09.2014 and was declared proclaimed offender vide order dated 28.11.2014. He submits that proceedings under Section 82 Cr.P.C. have not been properly conducted inasmuch as the petitioner was resident of village Buddhewal, whereas statement of process server mentions it

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to village Barrewal and these two places are in opposite ends of Ludhiana City and the village of the petitioner is in Kohara on Chandigarh-Ludhiana road, whereas, Barrewal is on Ludhiana-Ferozepur road. It is probably due to similarity of names that the aforesaid was done and in the impugned orders the name of co-accused, Prabhjot Singh is stated to be appeared instead of the petitioner, which was corrected when an application in this regard was filed by the prosecution, regarding which reference is made to order dated 03.09.2022 (Annexure P-8). During the interregnum, the co-accused stands acquitted by judgment dated 18.05.2015. The petitioner 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. Notice of motion.

4. Mr. Manipal Singh Atwal, 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 from the proceedings before the trial Court without any just cause.

5. Heard.

6. 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.

7. In **Sonu Vs. State of Haryana 2021 (1) RCR (Cri.) 319**, it was held that any non-compliance in the procedure prescribed in declaring a

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proclaimed person, cannot be treated as an irregularity but the same renders such proceedings a nullity.

8. 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.

9. 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 his 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.

10. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated order dated 28.11.2014, Annexure P-3, is set aside.

11. He is directed to surrender before the learned trial Court on or before 06.04.2026 and deposit Rs.15,000/- as costs with the Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201. On furnishing bail/surety bonds, he is also directed to furnish 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.



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12. The petition is disposed of.
13. 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**

23.03.2026

Himani

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No