



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

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CRM-M-15706-2026 (O&M)
Date of decision: 23.03.2026

Rohit Kumar @ Satnam Singh @ Babbu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shubham Kaushik, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS for quashing the order dated 11.03.2015 passed by learned Judicial Magistrate 1st Class, Rupnagar, whereby the petitioner was declared a proclaimed offender in FIR No.06 dated 04.01.2014, registered under Sections 420 IPC (Now Section 318 IPC & 12(1)(b) of the Passports Act, 1967 at Police Station Chamkaur Sahib, District Rupnagar.

2. Learned counsel submits that the petitioner was never served in the FIR as he had left for Canada on 23.12.2012 as stated in the FIR itself and the same was registered on 04.01.2014 at his back. Thereafter, the trial Court without procuring his foreign address, had initiated proclamation proceedings despite the fact that he was not in India, however, he was however declared proclaimed person vide order dated 11.03.2015, without following the procedure under Sections 41, 105 and 82 Cr.P.C. A further reference is made to a Notification issued by the Government of India Ministry of Home Affairs, IS Division-II:Legal Cell New Delhi, dated the 11th Feb, 2009, laying down



comprehensive guidelines in this regard of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the service of summons/warrants/ judicial processes. The Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Agreements with 22 countries including Canada which provide for serving of documents. Thus, the proclamation proceedings being in violation thereof are liable to be set aside. He is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to him to surrender before learned trial Court, which may be even subject to costs. Reliance is placed on **Narinder Singh and another vs. State of Punjab and another**, 2019(1) RCR (Criminal) 741.

3. Notice of motion.

4. On the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of the respondent and submits that the trial Court has rightly passed the order as the petitioner did not appear before it and evaded the proceedings.

5. Heard.

6. This Court in **Narinder Singh** (supra) quashed the order declaring the petitioners therein as proclaimed person on the ground that no efforts have been made by the trial Court to serve them at their residence where they ordinarily reside either through publication in newspaper or Embassy.

7. In the case of **Jasbir Kaur vs. State of Punjab and another**, CRM-M-25115-2022, decided on 2.6.2022, since the petitioner therein was a Non Indian Resident residing in Canada and proclamation proceedings had been initiated while she was not in India, as such, the order of proclamation was set aside.



8. Similarly, in **Jaswant Singh vs. State of Punjab and another**, CRM-M-32011-2018, petition was allowed on 6.2.2020, noticing the submission made by the counsel for the petitioner relying on the photocopy of the passport (Annexure A-1) that he was in Italy at the time of registration of FIR 29.10.2009, as well as, on the day, when he was declared proclaimed offender vide order dated 28.4.2014 and even on the date of passing of the above order.

9. The very purpose of issuance of summons, warrants etc. is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

10. Considering the facts of the present case inasmuch as it was because the petitioner had moved to Canada, prior to the passing of the impugned order and the procedure as envisaged by the Code not followed in letter and spirit, he could not be served and as such, his explanation for absence appears to be justified.

11. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 11.03.2015, Annexure P-2, is set aside.

12. The petitioner is directed to surrender before the trial Court on or before 15.05.2026, subject to its satisfaction and payment of costs of Rs.25,000/- to be deposited with Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No: 9612001641, IFSC: KKBK0004201, within 15 days. He is at liberty to apply for anticipatory/regular bail in the main case before the learned trial Court.

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.

14. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

23.03.2026

M.Kamra

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