



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

135

CRM-M-3742-2026 (O&M)**Date of Decision: 27.01.2026**

Inderjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

NEERJA K. KALSON, J. (ORAL)

1. The jurisdiction of this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for quashing/setting aside the impugned order dated 12.04.2021 (Annexure P-7) passed by Addl. Sessions Judge (Fast Track Spl. Court), Ludhiana, whereby, the petitioner/accused has been declared a '*proclaimed offender*' in Sessions Case Registration No.SC/141/2017 dated 16.03.2017 (FIR No. 141 dated 30.11.2016, registered under Sections 363/366-A IPC and Section 12 of the POCSO Act, at Police Station Payal, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner was in a consensual relationship with Diljot Kaur, who left her parental home on the intervening night of 29.11.2016 and arrived at the petitioner's house, citing her father's objections to their relationship. Her father lodged a complaint, pursuant to which FIR No. 141 dated 30.11.2016 came to be



registered under Sections 363/366-A of IPC and Section 12 of the POCSO Act, at Police Station Payal, Police District Khanna, District Ludhiana. Despite his innocence, the petitioner was arrested, subsequently granted regular bail. Post release, Diljot Kaur's father arranged her marriage to the petitioner in Gurudwara Sahib. Meanwhile, the Magistrate committed the case to Sessions Court, where the Additional Sessions Judge, Ludhiana, framed charges.

The petitioner thereafter, filed CRM-M-32778-2017 before this Hon'ble Court seeking quashing of the FIR, *inter alia*, on the ground of marriage to Diljot Kaur. Vide order dated 20.09.2017, notice of motion was issued, directing the trial Court to adjourn the matter beyond the date fixed by this Court. Thereafter, the interim relief continued. However, the said order was vacated on 01.07.2019 on the ground that the petitioner was stated to have gone abroad and none had appeared on his behalf.

The matter was listed on 22.03.2024, when the State counsel informed that the petitioner had been declared a proclaimed person vide order dated 12.04.2021. The petition was permitted to be withdrawn with liberty to file afresh if cause so arises. The petitioner submits that he was unaware of the vacation of interim relief prior to proceeding abroad (USA) and due to compelling circumstances, he could not contact his family and was ultimately declared a proclaimed offender. It is further submitted that the trial Court records reveal that notices were not served upon him and inquiry reports recorded that his father, Harjinder Singh, had "disinherited" him and that his whereabouts were not known. Despite such defective



reports, bailable/non-bailable warrants were issued, culminating in the issuance of proclamation under Section 82 Cr.P.C. without affording the mandatory statutory 30 days period for appearance, in violation of Section 82(1) proviso.

3. According to the petitioner/accused, the learned Addl. Sessions Judge, Ludhiana, in undue haste dispense with the pre-requisites for proclamation and proceeded to declare the petitioner/accused a proclaimed offender without issuance of notice/summons/warrants and without evidence of abscondance. Such order violates the procedural safeguards, striking at fair trial guarantees.

4. Perusal of the orders passed by the learned Addl. Sessions Judge, Ludhiana reveals that no reasons to believe abscondance that the petitioner/accused had absconded or concealed himself to evade the execution of the warrants, which is the *sine qua non* under Section 84(1) of the BNS, 2023 have been recorded. Nor is there any proof of failure or non-execution of warrants of arrest, such as issuance of summons/warrants of arrest, a report from the executing agency. The learned trial Court proceeded directly to issue proclamation without exhausting the mandatory pre-requisites, thereby, acting in undue haste to dispose of a old complaint. This procedural infirmity strikes at the root of fair trial, rendering the order unsustainable.

5. It is well settled that the issuance of proclamation under Section 82 Cr.P.C. and declaration of a person as a proclaimed offender under Section 82/83 Cr.P.C. constitute a serious step, which curtails personal



liberty of an individual and the procedure prescribed therein such as recording satisfaction of abscondance, affixing notice at the accused's residence and publication is mandatory and cannot be dispensed with in haste.

6. A perusal of the impugned order clearly indicates that the petitioner was declared as proclaimed person without following the drill of Section 82 of Cr.P.C. and the learned Court below issued proclamation without recording reasons of its belief that the petitioner has absconded or is concealing himself. This Court in the judgment passed in **Major Singh @ Major Vs. State of Punjab 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506** has held that the Court is first required to record its satisfaction before issuance of process under Section 82 of Cr.P.C. and non-recording of the satisfaction itself makes such order suffering from incurable illegality. In the judgment passed by this Court in **Sonu Vs. State of Haryana 2021 (1) RCR (Crl.) 319**, it has been held that the conditions specified in Section 82 (2) Cr.P.C. for the publication of a proclamation against an absconder are mandatory. Any non-compliance therewith cannot be cured as an 'irregularity' and renders the proclamation and proceedings subsequent thereto a nullity.

7. The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the learned trial Court on each and every date of hearing.



8. In view of the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 12.04.2021 (Annexure P-7), vide which the petitioner was declared proclaimed offender as well as all consequential proceedings emanating therefrom are hereby set aside. The petitioner is directed to appear before the learned trial Court within a period of two weeks from today and apply for bail. On doing so, the trial Court is also directed to decide the bail application of the petitioner/accused expeditiously in accordance with law.

9. Pending miscellaneous application(s), if any, also stands disposed of.

10. Before parting with this order, this Court appreciates the fact that as is evident from the orders placed on record, every precaution has been taken by the officer to ensure the optimum utilization of papers. The orders have been printed on the same sheet wherever possible, which every court should do, thereby setting a commendable example in avoiding the needless waste of paper – a precious resource demands prudent consideration in judicial proceedings.

(NEERJA K. KALSON)
JUDGE

January 27, 2026

Satyawan

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