



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

CRM-M-55864-2025

Date of decision: 01.10.2025

SUKHDEEP SINGH @ RAJA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vishal Sharma, Advocate for the petitioner.

.....

**RUPINDERJIT CHAHAL, J. (ORAL)**

1. This petition has been filed under Section 528 BNSS, 2023 seeking quashing of impugned order dated 23.07.2025 & 15.09.2025 (Annexure P-4) passed by learned Judge, Special Court, Hoshiarpur in case FIR No.214 dated 16.12.2022 registered under Section 21 of the NDPS Act at P.S. Bullowal, District Hoshiarpur, whereby the bail of the petitioner has been cancelled, bail bonds/surety bonds forfeited to the State followed by issuance of non-bailable warrants and initiation of proclamation proceedings under Section 82 Cr.P.C. against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner could not appear before the learned Trial Court due to miscommunication between the petitioner and his counsel and also due to rainy season. Due to which, the trial Court vide order dated 23.07.2025 cancelled the bail of the petitioner, bail bonds/surety bonds forfeited to the State followed by issuance of non-bailable warrants and vide order dated 15.09.2025 initiated proclamation proceedings against the petitioner.

3. Learned counsel for the petitioner, *inter alia*, contends that the proclamation warrants were issued against the petitioner without adhering to



the mandate of Section 82 Cr.P.C. It is argued that non-compliance with the mandatory provisions vitiates the entire proceedings, rendering them incurably illegal, particularly when the petitioner was never duly served.

4. Notice of motion.

5. Mr. Ravinder Singh, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent-State and supports the order passed by the learned trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. It is settled that while the criminal justice system may warrant curtailment of personal liberty, such curtailment must strictly conform to the procedure established by law. A fair balance has to be maintained between individual liberty and the interest of society in preserving law and order. The procedure must be fair, just and reasonable, as mandated under Article 21 of the Constitution of India.

8. A perusal of the impugned order shows that the learned Trial Court issued proclamation without recording any reasons for its satisfaction that the petitioner had absconded or was concealing himself. In ***Major Singh @ Major v. State of Punjab, 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506***, this Court held that recording of satisfaction is a sine qua non for initiating proceedings under Section 82 Cr.P.C. Non-compliance thereof renders the order incurably illegal. Similarly, in ***Sonu v. State of Haryana, 2021 (1) RCR (Criminal) 319***, it has been held that the requirements of Section 82(2) Cr.P.C. are mandatory, and their non-observance vitiates the proclamation and all subsequent proceedings.



9. The purpose of issuance of non-bailable warrants or proclamation is only to secure the presence of the accused before the Trial Court. In the present case, the petitioner has voluntarily come forward.

10. In view of the above and in light of the ratio in *Major Singh @ Major (supra)*, the present petition is allowed. The impugned orders dated 23.07.2025 & 15.09.2025 (Annexure P-4), whereby the bail of the petitioner has been cancelled, bail bonds/surety bonds forfeited to the State followed by issuance of non-bailable warrants and initiation of proclamation proceedings under Section 82 Cr.P.C. against the petitioner, is quashed only to the extent of cancellation of bail, issuance of non-bailable warrants and proclamation proceedings.

11. The petitioner shall appear before the Trial Court within four weeks from today and, on doing so, shall be released on bail subject to furnishing bail/surety bonds to the satisfaction of the Trial Court subject to subject to payment of Rs.5,000/- as costs to be deposited by the petitioner in Punjab State Legal Services Authority-Disaster Relief Fund, Account No.44426937384, IFSC:SBIN0014656, State Bank of India, Sector 68, SAS Nagar, Mohali.

12. It is made clear that in case of default in appearance within the stipulated period, the interim protection granted by this Court shall stand vacated.

01.10.2025  
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**(RUPINDERJIT CHAHAL)**  
**JUDGE**

- i) Whether speaking/reasoned?  
ii) Whether reportable?

Yes/No  
Yes/No