



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

**CRM-M-24649-2025  
Date of decision: 08.05.2025**

**LOVEPREET SINGH ALIAS NAVPREET SINGH**

**...PETITIONER**

**V/S**

**STATE OF PUNJAB AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present:      Mr. Lakhan Paul Garg, Advocate for  
                 Mr. B.S. Sidhu, Advocate  
                 for the petitioner.

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**HARPREET SINGH BRAR, J. (ORAL)**

1.            This is the first petition filed under Section 528 Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashing of impugned order  
dated 06.01.2024 passed by learned Judicial Magistrate Ist Class, Zira  
(Annexure P-10), whereby the petitioner was declared as proclaimed offender  
in case DDR No.28 dated 16.06.2015 registered under Sections  
307/341/336/427/148/149 of IPC and 25/27 of Arms Act, 1959 in cross-case  
stemming from FIR No.90 dated 16.06.2015 registered under Sections 307,  
336, 148, 149 of Indian Penal Code and 25/27 of Arms Act at Police Station  
Makhu, Disstrict Ferozepur.

2.            Learned counsel for the petitioner submits that it was a  
case of version and cross-version. A petition for quashing on the basis of  
compromise was filed, whereby, this Court had directed the parties for  
recording of statements before the Magistrate. The said statements were  
recorded on 07.11.2019 and the matter remained pending on account of  
Covid-19 Pandemic. Subsequent thereto, the petitioner was declared



proclaimed offender on 06.01.2024. On 10.01.2024, the petition for quashing of the FIR on the basis of the compromise was withdrawn on account of the fact that the FIR had been registered under Section 307 IPC. He contends that the absence of the petitioner was completely *bona fide* as the parties have compromised the matter, in furtherance of which, their statements had been recorded before the Illaqa Magistrate on 07.11.2019.

3. Learned counsel for the petitioner *inter alia* contends that proclamation was issued against the petitioner without following the drill of Section 82 Cr.P.C. and non-compliance of the mandatory provisions vitiates the entire proceedings, which suffers from incurable illegality as he was never served and the impugned order is liable to be set aside. Further, similarly situated co-accused, namely, Hardial Singh and others have approached this Court by way of filing a petition bearing ***CRM-M-22959 of 2024***, seeking quashing of the impugned order, vide which, they were declared proclaimed offenders and this Court has allowed the said petition.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., 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 and, therefore, having left with no other option, proclamation was issued to secure his presence. However, he could not controvert the fact that the parties have amicably settled the matter.

6. Mr. Gurmeet Singh Saini, Advocate puts in appearance on behalf of respondent No.2 and files his memo of appearance. He submits that the



parties have settled their dispute amicably and a compromise has been effected. Even the parties have approached this Court seeking quashing of FIR (*supra*), on the basis of compromise and he has no objection if the present petition is allowed.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance, the matter is taken up for final disposal.

8. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

9. A perusal of the impugned order reveals that the trial Court 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.

10. 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.

11. In view of the aforesaid facts and circumstances and in view of the ratio of law laid down in *Major Singh @ Major (supra)*, the present petition is allowed and the impugned order dated 06.01.2024 (Annexure P-10), vide which, the petitioner was declared as proclaimed offender is quashed subject to a cost of Rs.10,000/- to be deposited with Poor Patients Welfare Funds, PGIMER, Chandigarh for wasting the precious time of this Court.

12. Liberty is granted to the petitioner to approach the appropriate Court for grant of bail in accordance with law.

13. Receipt of payment of cost must be presented before learned trial Court and learned trial Court is directed to verify the same.

May 08, 2025  
*manisha*

**(HARPREET SINGH BRAR)**  
**JUDGE**

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |