



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

**CRM-M-54492-2024  
DECIDED ON: 05.11.2024**

**LALI ALIAS GURMUKH SINGH ALIAS GURBAKSH SINGH  
.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikram Jeet Singh, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 528 of BNSS seeking quashing/setting aside the order dated 03.09.2024 passed by Sub Divisional Judicial Magistrate, Assandh (Annexure P-13) whereby the petitioner has been declared proclaimed person in FIR No.605, datd 19.07.2018, under Sections 506 IPC (later on Section 34 IPC has been added), registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner contends that the order dated 03.09.2024 (Annexure P-13) vide which the petitioner has been declared as proclaimed person suffers from material illegality, since mandatory period of 30 days has not been rightly calculated by the trial Court in utter violation to the mandate laid down under Section 82 of Cr.P.C. as is evident from the record that the necessary proclamation was firstly issued on 04.12.2023 and the matter was adjourned to 25.03.2024 but the same was taken up on 22.03.2024 as 23.03.2024 to 26.03.2024 were declared holidays and was

adjourned to 25.04.2024. Subsequently on 12.04.2024 proclamation was issued for appearance of the petitioner for 25.04.2024 and the said proclamation was pasted and executed on 15.04.2024. The very factum of execution of proclamation notice on 15.04.2024 is clearly evident from the statement of serving official which stands recorded in order dated 25.04.2024 (Annexure P-11). He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court without any delay.

Heard learned counsel for the parties.

This Court is conscious of the law laid down by the Coordinate Benches of this Court in ***“Dilbagh Singh Vs. State of Punjab”, 2015 (8) R.C.R. (criminal) 166 and “Ashok Kumar Vs. State of Haryana and another”, 2013 (4) RCR (Criminal) 550***, wherein it has been observed that where the period between issuance and publication of the proclamation and the specified date of hearing is less than thirty days, the accused cannot be declared a proclaimed person/offender and the proclamation has to be issued and published again.

In view of the above provisions of Section 82(1) Cr.P.C., it is clear that the publication was effected on 12.04.2024 and the accused was directed to appear in the Court as per that publication on 25.04.2024 which period was less than 30 days. Therefore, it cannot be held that by passing the

impugned order on 03.09.2024, the publication has been effected as per the provisions of Section 82 Cr.P.C. There was no order in the publication for the accused giving specified time and place to appear on 25.04.2024. Therefore, this order is not as per law.

However also keeping in view that the petitioner is ready and willing to surrender before the trial Court without any delay, the petitioner is directed to surrender before the trial Court within a period of 07 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The instant petition is disposed of in the aforesaid terms.

05.11.2024

Poonam Negi

(SANDEEP MOUDGIL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No