



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

CRM-M-7792-2025
Date of decision: 13.02.2025

Sh. Raj Kumar Chander

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sankalp Gehlawat, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS 2023 seeking quashing of order dated 22.11.2023 Annexure P-6 passed by the Court of Additional Chief Judicial Magistrate, Sangrur, whereby the petitioner has been declared as proclaimed offender in criminal complaint bearing No.COMA-17/2018 titled State of Punjab Vs. M/s Mittal Pesticides Balyal Road etc., under Sections 3k(1), 17, 18 & 29 of Insecticides Act, 1968.

2. Notice of motion.

3. Mr. Inderjeet Singh Ladher, DAG, Punjab, accepts notice on behalf of the State.

4. The counsel appearing on behalf of the petitioner submits that the petitioner was not aware about the pendency of any such criminal complaint filed by State of Punjab against the accused persons including the present petitioner. Further, minimum statutory period of 30 days as provided in Section 82 Cr.P.C. was not given to the petitioner for his



appearance before the Court concerned with effect from the date of execution of proclamation, as is clear from Annexure P-4 to Annexure P-7. That even the proclamation was not read in some conspicuous place as per the provisions of Section 82(2)(i)(a) Cr.P.C. That thus, the impugned order whereby the petitioner is declared as proclaimed person is not legally tenable.

5. The State counsel while supporting the impugned order Annexure P-6 submits that the said order is passed by the learned trial Court in accordance with the procedure prescribed in Section 82 Cr.P.C.

6. I have considered the submissions made by counsel for the parties.

7. From the perusal of the record, it is apparent that the learned trial Court issued the proclamation against the petitioner for 14.06.2023 vide order dated 16.05.2023. Annexure P-7 indicates that the said proclamation was effected on 20.05.2023 by the concerned police official against the present petitioner. The date fixed for presence of the petitioner before the Court concerned was 14.06.2023. Thus, making it clear that clear period of 30 days as prescribed in Section 82 Cr.P.C was not afforded to the petitioner for the purpose of his appearance before the Court concerned with effect from the date on which the proclamation against the petitioner was effected. From the persual of Annexure P-7, i.e. the statement of the serving police official who executed proclamation, it is apparent that the proclamation against the present petitioner was not publicly read in some conspicuous place of the town/village in which the petitioner was ordinarily residing, as is the requirement as per Section 82(2)(i)(a) Cr.P.C. In the given



circumstances, the impugned order Annexure P-6 is not sustainable in the eyes of law.

8. For the foregoing reasons, the present petition is allowed and impugned order dated 22.11.2023 Annexure P-6 passed by the Court of Additional Chief Judicial Magistrate, Sangrur, whereby the petitioner has been declared as proclaimed offender in criminal complaint bearing No.COMA-17/2018 titled State of Punjab Vs. M/s Mittal Pesticides Balyal Road etc., under Sections 3k(1), 17, 18 & 29 of Insecticides Act, 1968 is hereby set aside.

9. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

13.02.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**