

2025:PHHC:121477



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

133

CRM-M-13552-2025 (O&M)

Date of decision: 08.09.2025

Rohan Chauhan**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)**1. CRM-32983-2025**

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-13552-2025 (O&M)

The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 21.12.2023 (Annexure P-1), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case titled as ***State vs. Robin Chauhan and another***, arising out of FIR No. 338 dated 20.12.2021, registered under Section 420 of IPC at Police Station Salem Tabri, District Ludhiana, whereby the petitioner had been declared a proclaimed person.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in the aforementioned case. The petitioner was not aware of registration of the aforementioned FIR. The address of the petitioner is wrongly mentioned in the FIR. Hence, he was never served with any

2025:PHHC:121477



notice/warrants issued by the learned trial Court. More so, the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. He is ready to join the proceedings. Hence, it is urged that the impugned order is liable to be set aside.

4. Notice of motion.

5. Ms. Ramta Chowdhary, DAG, Punjab, who present in Court, accepts notice on behalf of the respondent-State. She has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed person as he was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. as against the petitioner till the date of declaring him a proclaimed person, I am of the considered opinion that the impugned order dated 21.12.2023 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

8. After going through the material placed on record as well as the statement of the serving police official, it is revealed that the proclamation was not publicly read over in some conspicuous place of the town or village in which the petitioner was supposed to be residing. As per Section 82 (2) of Cr.P.C. for publication, the proclamation has to be first publicly read in some

2025:PHHC:121477



conspicuous place of the town or village in which the accused ordinarily resides; then the same has to be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides or to some conspicuous place of such town or village and thereafter a copy of the proclamation has to be affixed to some conspicuous part of the Court-house. The three sub-clauses (a)-(c) in Section 82 (2)(i) of the Cr.P.C. are conjunctive and not disjunctive, which means that there would be no valid publication of the proclamation unless all the three modes of publication are proved. Reliance in this regard can be placed upon *Pawan Kumar Gupta Vs. The State of W.B. : 1973 CriLJ 1368*. More so, the address of the petitioner is wrongly mentioned in the FIR and the summons/warrants against the petitioner were issued by the learned trial Court at that address only. Hence, it can reasonably be stated that the process never reached the petitioner.

9. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is allowed and the impugned order dated 21.12.2023 (Annexure P-1), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case titled as *State vs. Robin Chauhan and another*, arising out of FIR No. 338 dated 20.12.2021, registered under Section 420 of IPC at Police Station Salem Tabri, District Ludhiana, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

10. However, the petitioner is directed to surrender before the Court concerned within a period of two weeks, subject to order for grant of anticipatory bail, if any passed on his petition to be filed under Section 482 of

2025:PHHC:121477



BNSS, if he is required to join investigation. In the absence of any order for grant of anticipatory bail and if he is not required to join investigation, then on such surrender, the petitioner shall be liable to be remanded to judicial custody subject to any order for grant of regular bail to be passed by the concerned Court in accordance with law.

11. Needless to observe that in case any application is filed before the concerned Court for grant of regular bail, then the concerned Court shall be bound to dispose of the same expeditiously and that nothing in this order shall be treated as expression of any opinion on merits so as to bind or influence the concerned Court in disposal of the same.

12. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

13. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

08.09.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No