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

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CRM-M-17710-2025 (O&M)

Date of decision: 01.08.2025

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

Present:- Mr. Angrej Singh Sarwara, Advocate and
Mr. Shubham, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. CRM-29424-2025

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-17710-2025 (O&M)

The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No. 161 dated 22.09.2022, registered under Section 174-A of IPC at Police Station Division No. 4, District Patiala along with all the subsequent proceedings arising therefrom and the order dated 15.09.2022, passed by the learned Judicial Magistrate First Class, Patiala in complaint bearing No. COMA/2491/2020, titled as *Jagdev Singh vs. Paramjeet Singh and others*, filed under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner had been declared a proclaimed person. However, as per dated

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01.04.2025, learned counsel for the petitioner has restricted his prayer only to the extent of quashing the order dated 15.09.2022.

3. It is argued by learned counsel for the petitioner the aforesaid complaint had been filed by the complainant due to some misunderstanding, which has now been eradicated and the matter stands amicably settled between the parties. In view thereof, the aforesaid complaint stands dismissed as withdrawn, vide order dated 23.01.2025. Even otherwise, the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. Hence, it is urged that the impugned order is liable to be set aside.

4. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that there is no infirmity or illegality in the impugned order. Hence, it is urged that the petition is liable to be dismissed.

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

6. 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 15.09.2022 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

7. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on

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29.07.2022, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 15.09.2022. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. 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 ***partly*** allowed and the impugned order dated 15.09.2022, passed by the learned Judicial Magistrate First Class, Patiala in complaint bearing No. COMA/2491/2020, titled as ***Jagdev Singh vs. Paramjeet Singh and others,*** filed under Section 138 of the N. I. Act, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

01.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No