



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291

CRM-M-29019-2025
Date of decision: 25.08.2025

ASHOK KUMAR ALIAS NICK OBEROIPetitioner

VERSUS

STATE OF PUNJABRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 12.07.2024 passed by the Judicial Magistrate, First Class, Ludhiana declaring the petitioner as proclaimed person along with all subsequent proceedings arising in case FIR No. 93 dated 26.06.2022 registered under Section 307, 148, 149, 506 and 120-B of the Indian Penal Code, 1860 and Section 25, 54 and 59 of the Arms Act, 1959 with Police Station-Division No.. 3, District Ludhiana.

When the matter came up for hearing on 23.05.2025, the following order was passed:-



“Instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) has been preferred seeking quashing of the order dated 12.07.2024 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, Ludhiana, declaring the petitioner as proclaimed person, along with all subsequent proceedings arising out of the in case FIR as mentioned below: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
93	26.06.2022	307, 148, 149, 506, 120-B IPC and 25 of the Arms Act	Division No. 3, District Ludhiana

2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner never received any summon nor any notice or proclamation to appear in the case, but the learned Trial Court without following the proper procedure laid down under the law especially under Section 82 Cr. PC, has wrongly declared the present petitioner as proclaimed person vide the impugned order dated 12.07.2024. Learned counsel for the petitioner, referring to the order dated 14.06.2024, Annexure P-4, passed by learned JMIC, Ludhiana, has submitted that the proclamation was issued vide the order dated 14.06.2024 (Annexure P-4) with the directions that ‘proclamation be effected on or before 12.07.2024 and for awaiting appearance of the accused for 14.08.2024’.



4. *Learned counsel for the petitioner further contends that the statement of the Executing Official was recorded on 12.07.2024 and instead of awaiting the presence of the petitioner for 14.08.2024, learned Trial Court proceeded to declare him the proclaimed person in the case on 12.07.2024 itself, although as per the proclamation and also the order dated 14.06.2024 (Annexure P-4), the petitioner was required to appear on 14.08.2024, therefore, the impugned order (supra) has been passed in violation of the provisions contained under Section 82 Cr.PC, which is liable to be set aside.*

5. *Notice of motion, returnable for 15.07.2025.*

6. *On the asking of the Court, Mr. Jatinder Pal Singh, Sr. DAG Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He prays for time to file reply in the matter.*

7. *In the meanwhile, operation of the impugned order dated 12.07.2024, (Annexure P-2) declaring the present petitioner as proclaimed person, shall remain stayed till the next date of hearing in case FIR as mentioned above.*

A short reply by way of an affidavit of Assistant Commissioner of Police, Ludhiana (Central) has also been filed.

On resumed hearing, Counsel for the respondents does not dispute that the period of 30 days had not elapsed as per mandate of Section 82 of the Cr. P.C.

In view of the aforesaid undisputed stand, the present petition is allowed, the impugned order dated 12.07.2024 passed by the Judicial

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Magistrate, First Class, Ludhiana declaring the petitioner as a proclaimed person is set aside.

AUGUST 25, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No