

2025:PHHC:113721



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

281

CRM-M-33765-2025 (O&M)

Date of decision: 22.08.2025

Jagtar Singh Bhandal @ Jagtar Singh @ Jagga**...Petitioner****Versus****State of Punjab (since deleted) and another****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vivek Kumar Thakur, Advocate
for the petitioner.

Ms. Mehak Bedi, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. 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 08.01.2007 (Annexure P-7), passed by the Court of learned Judicial Magistrate First Class, Jalandhar in Criminal Complaint No. COMI/79/2015, titled as ***Inderjit Singh vs. Tarjinder Singh @ Taljinder Singh and others***, whereby the petitioner had been declared a proclaimed offender.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he had been falsely implicated in the aforementioned case. The petitioner was on bail and was regularly appearing before the learned trial Court. However, he absented himself on 30.03.2006 due to some unavoidable circumstances, consequent to which, his bail was cancelled and non-bailable warrants were issued against him for 07.07.2006. Subsequently, the petitioner could not appear before the

2025:PHHC:113721



Court as he moved abroad to earn his livelihood. It is further submitted that even otherwise, the matter stands compromised between the parties and the aforesaid complaint stood quashed qua co-accused Tarjinder Singh and Harpinder Singh. Subsequently, the aforesaid complaint stands dismissed as withdrawn qua rest of the accused, vide order dated 04.08.2015. It is also argued that the petitioner had been declared a proclaimed offender 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.

3. Learned counsel for respondent No.2/complainant has admitted to the factum of the compromise and that the complaint stands dismissed as withdrawn. Learned counsel for the complainant has submitted that she has no objection if the present petition is allowed.

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

5. 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 offender, I am of the considered opinion that the impugned order dated 08.01.2007 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

6. 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 24.10.2006, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of

2025:PHHC:113721



proclamation against him for 13.12.2006. A bare perusal of order dated 08.01.2007 shows that the proclamation was published on 14.11.2006 requiring the petitioner to cause his appearance before the Court on 13.12.2006, which means that the petitioner was not granted mandatory period of 30 days to cause his appearance before the learned trial Court. Hence, the same was in clear violation of the provisions of Section 82(1) Cr.P.C., as per which, a specified time of not less than 30 days is required to be given to the accused from the date of publishing such proclamation which is mandatory in nature. Reliance in this regard can be placed upon ***Gurappa Gugal and others Vs. State of Mysore : 1969 CriLJ 826*** and ***Shokat Ali Vs. State of Haryana : 2020(2) RCR (Criminal) 339***. Further, on a perusal of order dated 13.12.2006, it is revealed that that the petitioner was not even declared as proclaimed offender on that date and the trial Court on that adjourned the case for 08.01.2007 on the ground that the executing police official had not appeared, which was also not in consonance with the provisions of Section 82 of Cr.P.C.

7. Further, a perusal of the statement of the serving police official reveals that the proclamation was not 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 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

2025:PHHC:113721



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*.

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 allowed and the impugned order dated 08.01.2007 (Annexure P-7), passed by the Court of learned Judicial Magistrate First Class, Jalandhar in case titled as *Inderjit Singh vs. Tarjinder Singh @ Taljinder Singh and others*, arising out of a complaint filed under Sections 326, 324, 323, 148 and 149 of IPC, whereby the petitioner had been declared a proclaimed offender, is quashed with all consequential proceedings arising therefrom.

22.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No