

2025:PHHC:128322



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

302

CRM-M-38343-2025 (O&M)

Date of decision: 16.09.2025

Reena Rani**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

None for respondent No. 2.

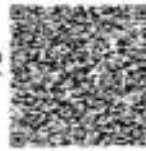
MANISHA BATRA, J. (Oral)

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 29.08.2024 (Annexure P-4), passed by the Court of learned Judicial Magistrate First Class, Panipat in case titled as ***Karambir Singh Fauji vs. Reena Rani***, filed under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner had been declared a proclaimed person and also for quashing of FIR No. 413 dated 21.10.2024, registered under Section 209 of BNS, 2023 at Police Station City Panipat, District Panipat.

2. Notice could not be issued to respondent No. 2. Learned counsel for the petitioner submits that since he is not claiming any relief against respondent No. 2, therefore, his name may be deleted from the array of parties.

3. Ordered accordingly.

2025:PHHC:128322



4. At this stage, learned counsel for the petitioner restricts his prayer only to the extent to which quashing of order dated 29.08.2024 has been sought and withdraws the petition qua the prayer made for quashing of aforementioned FIR with liberty to file a fresh one qua that relief. Ordered accordingly.

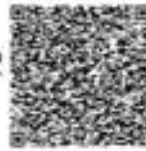
5. The present petition has been filed by the petitioner on the grounds and it has been argued by her counsel that the petitioner has been falsely implicated in the aforementioned complaint. She was not aware about the pendency of trial against her. She was never served with any notice/warrants issued 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. She has already surrendered before the Court concerned and has been released on bail. Hence, it is urged that the impugned order is liable to be set aside.

6. *Per contra*, learned Assistant Advocate General, Haryana 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 she was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

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

8. 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 her a proclaimed

2025:PHHC:128322



person, I am of the considered opinion that the impugned order dated 29.08.2024 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

9. 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 19.04.2024, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against her for 04.07.2024. 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 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 CrI. J. 2561.***

10. Further, a perusal of the statement of the serving police official reveals 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 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

2025:PHHC:128322



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*.

11. 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 29.08.2024 (Annexure P-4), passed by the Court of learned Judicial Magistrate First Class, Panipat in case titled as *Karambir Singh Fauji vs. Reena Rani*, filed under Section 138 of the Negotiable Instruments Act, 1881, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

16.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No