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

CRM-M-45863-2025

Date of Decision: 22.08.2025

RIMPY KAUR ALIAS RIMPY RANI

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition has been instituted under Section 528 of BNNS, 2023 for quashing order dated 28.04.2025 (Annexure P-7) passed by learned Additional Sessions Judge, Sangrur whereby the petitioner has been declared proclaimed person in case bearing CIS No.NDPS/351/2022 titled State Vs. Jassi Singh etc. arising out of FIR No.246 dated 11.11.2021 under Sections 21, 29, 61 and 85 of NDPS at Police Station City Sunam, District Sangrur along with other consequential proceedings arising from the same.

2. I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the material collected by the police during investigation.

3. Learned counsel for the petitioner argued that petitioner has been wrongly declared a proclaimed person. After the accused petitioner had absented, her non-bailable warrants were issued and thereafter,



proclamation in terms of Section 82 Cr.P.C. was ordered to be issued despite the fact that non-bailable warrants were never served. Proper procedure was not followed while declaring her a proclaimed person. No efforts were made to secure her presence through other legally permissible means. No satisfaction was recorded by the learned Trial Court that accused has either absconded or is concealing herself to avoid execution of warrants and that she cannot be served in ordinary manner. Learned counsel next contended that the proclamation was ordered to be issued vide order dated 17.01.2025 for 10.03.2025 on which date, the proclamation was received back unserved and fresh proclamation was ordered to be issued for 25.03.2025 on which date, statement of executing Constable was recorded with regard to publication of proclamation. However, Trial Court observed that period of one month has not lapsed and case was adjourned to 28.04.2025 for awaiting her presence on which date, she was declared a proclaimed person vide order dated 28.04.2025. However, no proclamation had been issued for 28.04.2025 and period of 30 days as required under Section 82 Cr.P.C. for effecting proclamation was not fixed. The proper procedure thus has not been followed and impugned order is not only irregular but illegal and impugned order is thus liable to be set aside.

4. On the other hand, learned State counsel argued that petitioner was released on bail but had absented during the trial. Thereafter, efforts were made to secure her presence through warrants of arrest which could not be executed and thereafter, learned Trial Court passed the order for initiating the proceedings under Section 82 of Cr.P.C. and she was ultimately declared a proclaimed person. Learned



State counsel further argued that the impugned order is well reasoned and speaking and does not call for interference and the petition deserves to be dismissed. Learned counsel for the petitioner has annexed various orders passed by the Trial Court and the relevant orders are reproduced as under:

“Order dated 22.07.2024

Notice issued to the accused Jassi Singh received back unserved. Now, fresh notice to the accused Jassi Singh be issued for 12.11.2024.

Nonailable warrants of arrest issued to the accused Rimpy Kaur received back un-served. Now, fresh non-ailable warrants of arrest of accused Rimpy Kaur be issued for the date fixed.

Order dated 12.11.2024

Case received by way of transfer. It be registered.

Accused Jassi Singh has not appeared today. Application for exemption from personal appearance of the accused Jassi Singh is moved. Keeping in view the reason mentioned in the application, the personal appearance of the accused Jassi Singh is exempted for today only.

NBW against accused Rimpi Kaur be issued for 17.01.2025

Order dated 17.01.2025

The case called for several times, however, accused Jassi Singh has not come present, it is clear that accused Jassi Singh has absented without any intimation. The bail order of accused Jassi Singh is stand canceled and bail bonds and surety bonds forfeited to the State. Accused Jassi Singh is ordered to be summoned through non-ailable warrant of arrest and notice to his surety be also issued for 10.03.2025.

NBW issued against accused Rimpi Kaur



received back unexecuted. Therefore, proclamation of accused Rimpi Kaur be issued for 10.03.2025.

Order dated 10.03.2025

Case received by way of transfer. It be registered.

File put up before undersigned as Ld. Presiding Officer is on training in Central Detective Training Institute, Hyderabad for course on “Cyber Security & Forensics (Level-1)” from 10.03.2025 to 13.03.2025.

Non bailable warrants issued to the accused Jassi Singh received back unserved. Let fresh NBWs be issued to him for 25.03.2025. Notice to his surety be also issued for the date fixed.

Proclamation issued against the accused Rimpi Kaur received back unserved. Let fresh be issued for the date fixed.

Order dated 25.03.2025

Perusal of file reveals that vide order dated 17.01.2025, bail order of the accused Jassi Singh was cancelled and bail bonds and surety bonds had already been cancelled and forfeited to the State. Accused Jassi Singh has surrendered today in the Court. Now he is taken into custody and sent to judicial lockup. He be again produced on 28.04.2025.

Statement of serving official SC Chamkaur Singh recorded with regard to issuance of proclamation of accused Rimpi Kaur. The period of 01 month has not been lapsed. Adjourned to 28.04.2025 for awaiting the presence of accused Rimpi Kaur.

Order dated 28.04.2025

Today, case is fixed for awaiting appearance of the accused Rimpi Kaur. Statement of Serving Constable SC Chamkaur Singh who had executed the proclamation U/s 82 Cr.P.C against accused Rimpi Kaur, has already been recorded. As statutory period



of 30 days has been elapsed. As such, accused Rimpi Kaur is declared as proclaimed offender.

Accused Jassi Singh has been produced through Video Conferencing by the Jail Authorities. Production warrants of accused Jassi Singh be issued through superintendent for 31.05.2025. Superintendent of concerned Jail is directed to produce the accused Jassi Singh physically in the Court on the next date of hearing for framing charge.”

5. The aforesaid orders show that non-bailable warrants issued against accused were not being executed but in the order dated 17.01.2025, it was ordered that proclamation be issued against accused for 10.03.2025 on which date, proclamation was received back unserved and fresh proclamation was ordered to be issued for 25.03.2025 on which date, serving Constable appeared and his statement was recorded but it was observed that period of one month has not expired and the case was adjourned to 28.04.2025 for presence of accused petitioner on which date, she was declared a proclaimed person. A Coordinate Bench of this Court while deciding CRM-M-41656-2023 titled **Pardeep Kumar v. State of Haryana** vide judgment dated 23.8.2023 has held that before issuance of proclamation under Section 82 of Cr.P.C., the Court must deliberate on its previous efforts to secure presence of the accused through other legally permissible means. These efforts encompass issuance of summons and the execution of bailable and/or non-bailable warrants against the accused. It is incumbent upon the Court to ascertain that individual in question has indeed absconded or is concealing himself to evade execution of warrants of arrest. It has been further held that phrase, ‘reasons to believe’ as articulated in Section 82 of Cr.P.C. signifies that the Court must derive its belief from the available evidence



and material that the concerned person has absconded or is concealing himself to evade the execution of warrants of arrest. It has been further held that once proclamation is issued, it must be set forth in the proclamation as to where and when the concerned individual must present himself. A designated location and time must be stipulated. Importantly, the specific date and time for appearance should not be less than 30 days from the date of publication of the proclamation. As already mentioned above, the proclamation was ordered to be issued for 25.03.2025 vide order dated 10.03.2025 and not for a period beyond 30 days when the proclamation was received back duly effected. On 25.03.2025, the case was adjourned to 28.04.2025 for appearance of accused with the observation that period of 30 days has not lapsed. Rather, when proclamation was ordered to be issued vide order dated 10.03.2025, the case should have been adjourned beyond 30 days and proclamation should have been published 30 days prior to the date fixed for appearance of the accused and both the dates should have been mentioned in the proclamation notice itself and grave illegality thus has been committed and proper procedure has not been followed which declaring petitioner a proclaimed person.

7. As a result of aforesaid discussion, I am of the considered opinion that neither efforts were made to secure presence of the petitioner by issuing summons, notice or bailable warrants nor any satisfaction was recorded that accused has either absconded or is concealing herself to avoid the warrants and that she cannot be served in ordinary manner. Besides this, period of 30 days was also not stipulated in the proclamation when the accused was supposed to appear. In these



circumstances, proper procedure has not been followed and the impugned order suffers from material irregularity and illegality and the same is, thus, not sustainable and is liable to be set aside.

8. As a result of the aforesaid discussion, the present petition is accepted and the impugned order dated 28.04.2025 (Annexure P-7), vide which, the petitioner was declared proclaimed person is set aside.

(YASHVIR SINGH RATHOR)
JUDGE

22.08.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No