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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46894-2025 (O&M)

Date of Decision: 16.09.2025

MANJEET KAUR

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Arun Kumar Gupta, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

CRM-36892-2025

The applicant-petitioner through instant application under Section 151 CPC is seeking permission to place on record certified copy of the proclamation notice issued by the Ld. Trial Court as Annexure P-8.

Allowed as prayed for.

Certified copy of the proclamation notice issued by the Ld. Trial Court as Annexure P-8 is taken on record, subject to all just exceptions. Registry is directed to tag the same at an appropriate place.

CRM-M-46894-2025 (O&M)

1. Present petition has been instituted under Section 528 of BNNS, 2023 for quashing order dated 02.08.2025 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Panchkula whereby the petitioner has been declared as a proclaimed person in case bearing NACT-198-2024 dated 06.03.2024 titled as '*Global Traders Vs. Manjeet Kaur*'



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 as a proclaimed person. He never received any summons/warrants from the Trial Court and serious efforts were not made by the Trial Court to secure his presence. The petitioner was summoned in the complaint under Section 138 of Negotiable Instruments Act, 1881 to face the trial vide order dated 20.04.2024 (Annexure P-2) and case was adjourned to 17.08.2024 on which date notice was served upon him and his arrest warrants had been issued straight away instead of bailable warrants for 17.01.2025. On the adjourned date i.e. 17.01.2025, it was observed that on the previous date, notice had not been served personally upon the petitioner but the same had been served upon his son and the previous order was ordered to be rectified and fresh arrest warrant was ordered to be issued for 04.04.2025 on which date, it was observed that accused is absconding or has concealed himself to avoid the execution of warrants and his presence cannot be secured through warrants and proclamation was ordered to be issued for 17.05.2025 and Executing Constable was directed to appear for statement on 01.07.2025. EHC Madan Pal who effected the proclamation appeared before the Court and submitted his report dated 17.05.2025 to the effect that he has effected the proclamation at the house of accused on 28.04.2025 and thereafter, case was adjourned to 01.07.2025 for the presence of accused but on 01.07.2025, the case was adjourned to 02.08.2025 for appearance



of accused on which date, he was declared a proclaimed person. Learned counsel next contended that proclamation was never issued either for 01.07.2025 or for 02.08.2025 on which date, he was finally declared a proclaimed person and since proper procedure has not been followed, impugned order dated 02.08.2025 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Panchkula whereby the petitioner has been declared as a proclaimed person is liable to be quashed.

4. On the other hand, learned State counsel argued that petitioner could not be served when his non-bailable warrants were issued and thereafter, proclamation under Section 82 Cr.P.C was ordered to be issued and he was declared a proclaimed offender. Learned State counsel contended that impugned order is well reasoned and speaking and does not call for interference and petition deserves to be dismissed.

5. Before proceeding further, the orders dated 04.04.2025, 17.05.2025, 01.07.2025 and 02.08.2025 alongwith statement of the Executing Constable dated 17.05.2025 are reproduced as under:-

“Order dated 04.04.2025

Warrants of arrest issued against the accused Manjeet Kaur received back unexecuted with the report of lock. From the perusal of file it is very clear that previously also summons issued to accused were received back duly served and thereafter warrants of arrest were issued against the accused. This court is of the considered opinion that the accused is either absconding or concealing herself to avoid execution of warrants of arrest and presence cannot be secured through warrants. Let, proclamation proceedings under section 82, Cr.P.C. be initiated against accused Manjeet Kaur and proclamation against her be issued for 17.05.2025. The executing constable is directed to appear on



01.07.2025 for making his statement regarding proclamation of the accused. It is directed that while effecting the publication the executing constable shall effect it as per the procedure mentioned in sub Clause (a, b and c) of clause (i) of sub Section (2) of Section 82 of the Code of Criminal Procedure, 1973 i.e., the proclamation shall be published as follows:- a) It shall be publicly read in some conspicuous place of the town or village in which above named accused ordinarily resides: b) It shall be affixed to some conspicuous part of house or homestead in which the said accused ordinarily resides or to some conspicuous place of such town or village. c) A copy thereof shall also be affixed to some conspicuous part of the court house. Proclamation be got executed through SHO, concerned and he is directed to appear in person on the date fixed if proclamation is not executed.

Statement of Executing Constable dated 17.05.2025

“It is requested that with regard to compliance of the advertisement the address given on 28.4.25, had went to the address of Manjeet Kaur wife of Amarjit resident of V.P.O. Kishanpura, who was not met present at house, then her son said that his mother had left the house for a sufficient time earlier then the advertisement was affixed on the given address and the second copy of advertisement was affixed at open place of Bus Stand VPO Kishanpura and people present there by giving proclamation in a loud voice told about the advertisement and the third copy of advertisement was affixed at the notice board of Hon'ble Court and after report, was submitted before the Hon'ble Court.”

Order dated 17.05.2025

“Proclamation warrant issued against accused received back duly executed. Statement of serving constable EHC Madan Lal No.877/PKL in recorded to the effect that he has effected the proclamation. The period of 30 days as provided by Cr.P.C has not elapsed. Now, the case is adjourned to



01.07.2025 i.e the date already fixed for presence of accused and for further proceedings.”

Order dated 01.07.2025

Today, the case is fixed for presence of accused and for further proceedings. Case called several times but accused has not appeared before the court. The Bank Manager of IndusInd Bank is hereby directed to report with regard to the latest KYC updated by accused Manjeet Kaur of her account bearing No.159736398449. Now, the case is adjourned to 02.08.2025 for awaiting KYC report as well as for presence of accused. Copy of this order be sent to concerned Branch Manager for compliance.

Order dated 02.08.2025

As per information received telephonically from the bank of the accused, the last transaction took place on 04.09.2024 in the account of accused and the address provided in the complaint is the same as last updated in the bank by the accused. It is manifest that the accused has absconded and is concealing himself from the process of law. Accordingly, in view of the provision of Section 82 Cr.P.C accused is hereby declared proclaimed person. Intimation in this regard be sent to PO staff. As, the accused in the present case has been declared proclaimed person and even no particulars of property of accused have been furnished, let the present file be consigned to records, after due compliance with the note in red ink that the file shall not be destroyed and shall be restored as and when the accused is apprehended by police or accused herself appears before the court. It is pertinent to mention that complainant can file fresh application for furnishing list of property of accused regarding his movable or immovable property in future as and when the same is available to him.

6. A Coordinate Bench of this Court while deciding CRM-M-41656-2023 titled ***Pardeep Kumar Vs. 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.

7. In the present case, summons were issued to the accused for 17.08.2024 vide order dated 20.04.2024 and on 17.08.2024, the non-bailable warrants were ordered to be issued as he did not appear despite service of notice and from 17.01.2025, the case was adjourned to 04.04.2025 for non-bailable warrants on which date, it was observed that accused is absconding or has concealed himself to avoid the execution of warrants and his presence cannot be secured through warrants and proceedings under Section 82 Cr.P.C. were initiated. As already discussed above, in *Pardeep Kumar's* case (Supra), it has been held that before



issuance of proclamation under Section 82 Cr.P.C., the Court must deliberate on its previous efforts to secure presence of accused through other legally permissible means which includes summons and execution of bailable and/or non-bailable warrant and the non-bailable warrants were issued only for two dates which too had been received back and on one date warrant had been received back with the report that house was locked. As such, some more efforts should have been made to secure the presence of accused by issuing arrest warrants instead of initiating the proceedings under Section 82 Cr.P.C in a hurried manner.

8. Besides this, perusal of the order dated 04.04.2025 shows that proclamation was ordered to be issued for 17.05.2025 and Executing Constable was directed to appear on 01.07.2025. However, Executing Constable appeared on 17.05.2025 and reported that he has published the proclamation on 28.04.2025 and on 17.05.2025, case was adjourned to 01.07.2025 for appearance of accused but no proclamation had been issued for 01.07.2025 as the same had been issued for 17.05.2025. Thereafter, case was adjourned to 02.08.2025 on which date, petitioner was declared a proclaimed person and even for 02.08.2025 no proclamation had been issued. In this manner, proper procedure has not been followed and no proclamation had been issued either for 01.07.2025 or for 02.08.2025 when he was declared a proclaimed person and accused, thus, had no knowledge of the proceedings under Section 82 Cr.P.C which had been issued against him and he has, thus, wrongly been declared a proclaimed person. On this account, the impugned order is not sustainable and is liable to be quashed.

9. Resultantly, the present petition is accepted and impugned



order dated 02.08.2025 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Panchkula vide which petitioner was declared as a proclaimed person is ordered to be quashed.

10. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

16.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No