



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

116

CRM-38529-2025 in/&
CRM-M-47054-2025 (O&M)
Date of decision: 25.09.2025

Arshpreet Kaur Grewal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Robin Dutt, Advocate for the petitioner

Mr. M.S. Bajwa, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

CRM-38529-2025

For the reasons mentioned in the application, the same stands allowed. Main case is preponed and taken on board today itself.

CRM-M-47054-2025

1. Prayer made in the present petition for quashing the order dated 02.08.2025, vide which the petitioner was declared as proclaimed offender in FIR No.177 dated 29.10.2024, registered under Sections 22, 61 and 85 of NDPS Act at Police Station South Moga, District Moga.

2. Learned counsel submits that the FIR was registered against the petitioner on 29.10.2024, Annexure P-5, which according to him is a case, wherein contraband had been planted upon her to harass and teach a lesson. Thereafter, she had approached this Court by filing anticipatory bail application, which was however, dismissed on 15.07.2025, Annexure P-14 and SLP against the same was also dismissed on 18.07.2025, Annexure P-15. Consequently, the



petitioner was declared proclaimed offender vide order dated 02.08.2025 holding that she was deliberately concealing herself while as a matter of fact, she was availing of the remedy available to her for grant of anticipatory bail. The proclamation was effected on 02.07.2025 and from the date of statement of serving constable, the case was adjourned to 15.07.2025, thereafter, only to complete the 30 days period, it was further adjourned to 02.08.2025. The procedure mandated under Section 82 Cr.P.C. had not been followed, as the petitioner was declared proclaimed offender without affording her the pre-requisite time period of 30 days to appear before the trial Court. She is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court. To buttress the submissions, reliance is placed upon judgments in the cases of CRM-M-29878-2022, **Sardar Singh and another vs. State of Punjab and another**, decided on 30.08.2022, **Uttam Sharma vs. State of Punjab and another**, CRM-M-31481-2021, dated 29.09.2021 and **Ashok Kumar vs. State of Haryana and another**, CRM-M-13638-2013, decided on 05.08.2013.

3. Learned State counsel, on the other hand, submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

4. Heard.

5. It is apposite to refer to the provisions of Section 82 (1) Cr.P.C. which reads thus:-

“82. Proclamation for person absconding. -

(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified



place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) xx xx xx xx

(3) xx xx xx xx.”

6. In the present case, proclamation was issued on 05.05.2025 and thereafter, affixation of the notice was on 02.07.2025, whereby he was directed to appear before the Court on 15.07.2025. Since, the mandatory period of 30 days to appear before the Court had not elapsed, the case stood adjourned to 02.08.2025, for the period to be completed, which is in teeth of the law laid down in that regard. A gainful reference can be made to the judgment in **Ashok Kumar** (supra), relevant para of which reads thus:

“A copy of the proclamation was also affixed at conspicuous part of the Court house, which means that the publication was effected on 9.2.2013 for 6.3.2013, which shows that after the publication of the notice, the accused was not given the mandatory period of 30 days to appear before the Court. The mere fact that the Court adjourned it after the period of 30 days will not be treated as compliance of the provisions of Section 82 (1) Cr.P.C.”

7. The aforesaid judgment was relied upon in **Uttam Sharma** (supra), wherein the order of proclamation was set aside, as a clear 30 days time from the date of publication was not afforded before issuing absconding warrant against the accused as per the statutory provisions of Section 82 Cr.P.C.

8. In view of the above discussion, this Court finds that the requisite procedure as mandated by Section 82 Cr.P.C. was not completely followed in letter and spirit, thus, the continuation of proceedings would be an abuse of the process and deserve to be quashed, as held in **Ramesh Chandra vs. State of U.P., 2022 SCC OnLine SC 1634**.

9. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 02.08.2025, Annexure P-16,

is set aside, subject to surrender by the petitioner before the trial Court on or before 14.10.2025 and payment of costs of Rs.10,000/- to be deposited with Chandigarh Spinal Rehab, Plot No.1, Sector 28-A, Chandigarh and files an application seeking regular bail, the same be decided within 3 days, in accordance with law.

- 10. The petition is disposed of.
- 11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

25.09.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No