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

CRM-M-61769-2025

Date of decision 02.12.2025

NEETU

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Davinder Lubana, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH. J.

1. By invoking the extra-ordinary jurisdiction vested in this Court by virtue of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS”, the present petition has been filed by the petitioner for quashing of order dated 30.08.2025, hereinafter being referred to as ‘impugned order’ passed by the Court of Learned Judicial Magistrate 1st Class Anandpur Sahib District Rupnagar, hereinafter being referred to as ‘trial Court’. The impugned order has been passed by the learned trial Court in a case arising out of FIR No.121 dated 20.09.2021 under Sections 397, 342, 506, 379-A IPC and Sections 25-54-59 of Arms Act, Police Station Kiratpur Sahib District Rupnagar. By virtue of impugned order the petitioner has been declared a proclaimed offender.

2. The petitioner is aggrieved of the above-mentioned impugned order as she has been declared a proclaimed person. According to petitioner with regard to investigation of above-mentioned case she was never informed



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and that either at the time of investigation or after the filing of challan, neither any summon nor any bailable/non-bailable warrants were served upon the petitioner and therefore, the proceedings taken up by the learned trial Court while declaring her a proclaimed person are illegal, nonest. The petitioner has claimed that the impugned order is not sustainable in the eyes of law and deserves to be quashed.

3. In nut-shell, the facts emerging from record are that at the instance of Nancy Soni, the above-mentioned FIR was lodged and during the course of investigation of above-mentioned case it came into the knowledge of Investigating Officer that the petitioner was involved in the commission of above-mentioned crime. However, despite efforts the petitioner could not be joined in the investigation of above-mentioned case and when all the efforts to procure the presence of petitioner failed, by virtue of impugned order she was declared a proclaimed person.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State, and waives service. Learned State counsel has not opted to file reply to the petition. He has chosen to oppose the petition orally.

6. Heard.

7. The learned counsel for the petitioner has contended that summons, warrants and proclamation were never served upon the correct address of the petitioner and therefore, the entire proceedings taken up by the learned trial Court while declaring the petitioner to be a proclaimed person stands vitiated.



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8. With regard to above-mentioned arguments, the learned counsel for the petitioner has referred to Annexure P-14, i.e. the proclamation, wherein the address of the petitioner has been recorded. The learned counsel for the petitioner has also referred to the statement of Krishna, recorded by the Executing Constable dated 28.05.2025. According to learned counsel for the petitioner the address on which proclamation was affixed, was not the place where the petitioner was residing and therefore, the proclamation in itself is rendered defective.

9. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner is living separately from her husband and that her current address is House No.D-452, Mangolpuri, New Delhi and not the address mentioned on the proclamation.

10. The above-mentioned arguments have been controverted by learned State counsel. It has been contended by learned State counsel that a false plea has been taken by the petitioner in order to wriggle out the consequences of impugned order, whereby she has been declared a proclaimed offender. According to learned State counsel the reply submitted by the State clarifies that the petitioner is not having any valid document to show that her marriage with her husband stands dissolved by virtue of decree of divorce. The learned State counsel has also argued that with regard to her address in Mangolpuri New Delhi, also there is no evidence and therefore, the plea taken by the petitioner with regard to defect in the proclamation is not sustainable.

11. While defending the impugned order it has been contended by learned counsel for the respondent-State that the proper procedure was adopted



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by the learned trial Court in declaring the petitioner to be a proclaimed person and that there is no scope for quashing of impugned order.

12. The record has been perused carefully.

13. A perusal of record, i.e. the proclamation, the copy of which has been placed on record as Annexure P-14, shows that the proclamation for the petitioner was affixed at House No.528, J Colony, Madhipur, Punjabi Bagh and in the above-mentioned proclamation the age of petitioner has been recorded as zero. It is also pertinent to mention here that the Executing Constable, who had affixed the proclamation in his statement, recorded by the learned trial Court on 29.05.2025, had stated that the proclamation was affixed by him at house No.528-J, Colony F, Madipur Punjabi Bagh.

14. The most significant fact to be taken into consideration is the statement recorded by the Executing Constable on 28.05.2025. The above-mentioned statement has been projected to be the statement of a neighbour of petitioner namely Krishna. The above-mentioned statement (Annexure P-16) reads as under:-

“It is stated that I am the resident of the above said address and doing my house hold work. I am residing at the above said address and doing my house hold work. I am residing at the above said address as tenant from the last two months only. Here, women namely Neetu w/o Sunil, House No.528 F is neither residing at this address nor I knew this woman. That you have come at my house and you have posted one copy of order issued by court on this premises and got photo on his mobile and informed that people residing nearby. Thereafter you recorded my statement which I have read, heard and found correct.”

15. A bare perusal of the above-mentioned document, which is a document created at the instance of Executing Constable makes it abundantly



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clear that at the time of affixing the proclamation itself it was brought into the knowledge of the Executing Constable that the petitioner was not residing at the address where the proclamation was affixed. Thus, it is apparent on record that the proclamation was not affixed at a correct address, and mentioning of zero as age of the petitioner makes it clear that even the description of the petitioner in the proclamation was not correct.

16. One more relevant fact to be taken into consideration is that in his statement Annexure P-15 the Executing Constable no-where mentioned that the proclamation was publicly read.

17. As far as the proclamation issued against the petitioner is concerned, it is pertinent to mention that the procedure for proclamation has been prescribed under Section 84 of BNSS, 2023 (erstwhile Section 82 Cr.PC.).

The above-mentioned statutory provisions prescribes that :-

(2) The proclamation shall be published as follows:-

- (i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;*
- (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;*
- (c) a copy thereof shall be affixed to some conspicuous part of the Court-house;*
- (ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.*

18. With regard to mandatory nature of above mentioned procedure, it has been repeatedly observed by this Court, that the compliance of above mentioned provisions of Section 82(2) of Cr.P.C. is mandatory in nature. It has



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also been held that in case the above process is not adopted in letter and spirit, the order of declaring a person to be a proclaimed offender/proclaimed person is defective.

19. In this regard in the cases of *Jarnail Singh v. State of Punjab & Anr. in CRM-M-27944 of 2024* and *Gagandeep Singh v. State of Punjab in CRM-M-50704-2024*, it has been observed that if a proclamation is not read at a conspicuous place of the town or village in which such person ordinarily resides, as prescribed under Section 82 (2) (i) (a), the order declaring the above said person to be a proclaimed person/proclaimed offender is defective and not sustainable in the eyes of law. Similar view has been taken by this High Court in the cases of *Pal Singh Santa Singh v. State AIR 1955 Punjab 18* and *Tajinder Singh v. State of Punjab in CRM-M-21736-2024*.

20. Taking into consideration the cumulative effect of all the above-discussed factors, it is hereby held that on the face of it, the procedure adopted by the Executing Constable while affixing the proclamation was defective, and secondly the proclamation was not made at the proper address. Thus, it is hereby held that the order challenged by the petitioner by virtue of present petition, whereby the petitioner has been declared proclaimed offender is perverse and deserves to be quashed. Hence, by accepting the present petition the impugned order is hereby quashed.

21. Ordered accordingly.

(SURYA PARTAP SINGH)
JUDGE

02.12.2025

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	No