



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

103-A

CRM-M-62972-2025
Date of decision: 04.12.2025

SIDDHARTH MALIK

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parminder Singh, Advocate for the petitioner

Mr. B.S. Saroha, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing of FIR No.666 dated 18.10.2025, registered under Section 209 of BNS, 2023, at Police Station Civil Lines, District Karnal, and the order dated 08.07.2025.
2. Learned counsel, at the outset, restricts his prayer qua quashing of order dated 08.07.2025, for which he states that the petitioner had left for Canada on 25.06.2022, with regard to which copy of passport (Annexure P-2) has been referred. However, a compliant under Section 138 of the Negotiable Instrument Act was instituted on 10.10.2022 (Annexure P-1) of which he had no knowledge. The report dated 05.11.2022 makes it evident that he was not found at the address, based thereon he was declared a proclaimed person vide order dated 08.07.2025, without a period of 30 days having elapsed on 26.05.2025 and the case was adjourned by the trial Court for the said purpose. Thus, the procedure mandated under Section 82 Cr.P.C., cannot be said to have been fully complied with. Be that as it may, he appeared before the Court and was granted regular bail vide order dated 30.10.2025 (Annexure P-7). 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 submits that the petitioner has rightly been declared proclaimed person for having absented.

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, after having issued the proclamation, affixation of the notice was made whereby the petitioner was directed to appear before the Court on 26.05.2025. Since the mandatory period of 30 days to appear before the Court had not elapsed, the case stood adjourned to 08.07.2025, 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 08.07.2025, Annexure P-5, is set aside.
10. Disposed of.

(AMAN CHAUDHARY)
JUDGE

04.12.2025
pry

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