

CRM-M-63352 of 2025 (O&M) -1-

2025:PHHC:160844



S. No.128

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63352 of 2025 (O&M)

Date of Decision:19.11.2025

Inder Grover

Vs.

State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Bhavyadeep Walia, Advocate for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

CRM No.46746 of 2025

1. This is an application under Section 528 of BNSS, 2023 for placing on record true copy of summons dated 14.09.2024 and service report dated 20.09.2024 as Annexure P.7.

2. Application is allowed. Documents are taken on record as Annexure P.7.

CRM-M-63352 of 2025

1. Present petition has been instituted under Section 482 Cr.P.C/528 of BNSS, 2023 for quashing order dated 01.07.2025 (Annexure P.4) passed by learned JMIC, Patiala whereby the petitioner has been declared as a proclaimed person in case FIR No.288 dated 21.11.2020 registered under Sections 420, 294-A, 120-B IPC and Section 7 of the Lotteries Regulation Act, 1998 at Police Station Kotwali, Patiala and all the consequential proceedings arising therefrom.



2. Upon notice, the State Counsel has appeared. Learned counsel for the parties have been heard and material placed on the file has been perused.

3. Learned counsel for the petitioner argued that petitioner has been wrongly declared as a proclaimed person. No serious efforts were made by the trial Court to secure his presence. During the proceedings of case FIR No.288 dated 21.11.2020 as afore-said, warrants of arrest against petitioner Inder Grover were directed to be issued initially vide order dated 02.05.2025. On 13.05.2025, warrants of arrest were received back unexecuted and proclamation under Section 82/83 Cr.P.C was ordered to be issued for 01.07.2025. On 01.07.2025, proclamation was received back effected and statement of serving constable was recorded and the accused- petitioner was declared Proclaimed Person without following proper procedure.

4. Learned counsel for the petitioner contended that on 13.05.2025, simply by recording satisfaction that the accused is avoiding service and his presence cannot be procured through non-bailable warrants, proclamation under Section 82/83 Cr.P.C was ordered to be issued. However, no satisfaction was recorded by the trial Magistrate that accused has either absconded or is concealing himself to evade the warrants and that he cannot be served in ordinary manner and without recording satisfaction to this effect, the proceedings under Section 82 Cr.P.C. could not have been initiated against the accused.

5. Learned counsel for the petitioner further contended that as per report dated 20.05.2025 made by serving constable, he had pasted a copy of the proclamation on the given address of the accused and one copy was pasted at the public place and one copy was pasted on the notice board of the court. However, the



proclamation was not publicly read in some conspicuous place of the town where the accused resided and it was thus violation of provisions of Section 82(2)(i)(a) of Cr.P.C and on this score also, proclamation is invalid and a nullity and proceedings under Section 82 of Cr.P.C are thus liable to be quashed. In support of his contentions, learned counsel has placed reliance upon 2022(1) Law Herald 219 – **Rahul Dureja and another Vs. State of Punjab**, 2021(1) RCR (Criminal) 493 – **Harvinder Singh Vs. State of Haryana and another**, 2024(1) Law Herald 859 – **Mahender Kumar Vs. Housing Development Finance Corporation Ltd.**, 2024(1) Law Herald 291 – **Ramandeep Singh Sangha @ Ramna Sangha Vs. State of Punjab**, and 2024(2) RCR (Criminal) 5- **Sukhjinder Singh Vs. State of Punjab and another**.

6. On the other hand, learned State Counsel has argued that the 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 Proclaimed Person. Learned State Counsel has contended that the impugned order is well reasoned and speaking and does not call for any interference and petition deserves to be dismissed.

7. Before proceeding further, relevant orders dated 02.05.2025, 13.05.2025 and 01.07.2025 and report of serving constable dated 20.05.2025 are reproduced as under:-

“Order dated 02.05.2025:

None has appeared on behalf of accused Parveen Kumar & Pankaj Kumar. In the interest of justice, now to come up on



13.05.2025 for awaiting presence of accused Parveen Kumar & Pankaj Kumar.

Bailable warrants issued to accused Inder Grover received back unserved. Perusal of file reveals that said accused is not appearing before the court, despite the issuance of several notices and bailable warrants. The court is satisfied that accused Inder Grover is intentionally avoiding the service, in these circumstances, he is ordered to be summoned through non-bailable warrants of arrest for the said date.

Date of Order: 02.05.2025

JMIC/ Patiala
UID No.PB00734”

Order dated 13.05.2025:

Accused Inder Grover absent.

Resolution has been received from the Bar Association Patiala that DBA Patiala will observe No work day.

Application for exemption from personal appearance of accused Parveen Jhah filed. Heard. The aforesaid application is allowed for the reasons stated therein. Presence of accused Parveen Jhaj is exempted for today only.

Non-bailable warrants issued against accused Inder Grover on the last date of hearing, but he has not present in the court. The court is satisfied that the accused Inder Grover is avoiding service and his presence cannot be procured through non-bailable warrants, therefore proclamation under Section 82 Cr.P.C issued against accused Inder Grover for 01.07.2025. The serving official who will execute the



proclamation of accused is directed to appear before the court on 28.05.2025 for recording his statement regarding execution of proclamation. Matter be also listed for 01.07.2025 for awaiting presence of accused Inder Grover. Ahlmad is directed to mention both the aforementioned dates on the proclamation.

Date of Order: 13.05.2025

JMIC/ Patiala
UID No.PB00734

Order dated 01.07.2025:

Proclamation issued against accused Inder Grover received back duly effected. Statement of serving official HC Jagdev Singh recorded today. Case called several times since morning and after lunch neither accused Inder Grover nor any person appeared on his behalf. Statutory period of 30 days since the date of service of said accused through proclamation has elapsed. At this stage, this court is satisfied that the process of proclamation proceedings against the accused person namely Inder Grover has been duly complied with as per Ex.P1 & Ex.P2. As such, accused Inder Grover is declared as proclaimed person. Intimation in this regard be sent to police station concerned. Concerned SHO/IO is directed to place on record list of property of accused Inder Grover for compliance of proceedings under Section 83 of Cr.P.C on 07.07.2025.

Now to come up for consideration on charge on remaining accused persons namely Aryan Kumar, Parveen Jha and Pankaj Kumar on date fixed.

Date of Order: 01.07.2025

JMIC/ Patiala



UID No.PB00734”

Report of Serving Constable dated 20.05.2025:

It is submitted that I had gone to the given address of the accused and a copy of the proclamation was pasted. One copy of the proclamation was pasted at the public place so that it can be noticed by the General Public. One copy of the proclamation was pasted on the notice board of the court. Service report is presented.

Sd/- HC Jagdev Singh,
PS Kotwali Patiala
Dated 20.05.2025.”

8. A perusal of order dated 13.05.2025 shows that the warrant of arrest were issued against the accused on the last date of hearing but the accused had not come present but what was the report on the same is not mentioned in the order and the Court simply by recording its satisfaction that the accused Inder Grover is avoiding service and his presence cannot be procured through non-bailable warrants, proclamation under Section 82 Cr.P.C was ordered to be issued against accused for 01.07.2025. However, no satisfaction was recorded by the trial Magistrate that accused has either absconded or is concealing himself to evade the warrants and that he cannot be served in ordinary manner and without recording satisfaction to this effect, the proceedings under Section 82 Cr.P.C. could not have been initiated against the accused. Besides this, on 01.07.2025, the proclamation was received back duly effected and statement of serving official was recorded and the accused was ultimately declared a proclaimed person.



9. In the present case, proclamation was issued for 01.07.2025 vide order dated 13.05.2025 and serving constable was summoned to make statement on 01.07.2025. On 01.07.2025, the proclamation was received back executed. In his statement, serving constable stated that he had pasted a copy of the proclamation on the given address of the accused and one copy was pasted at the public place and one copy was pasted on the notice board of the court. However, the proclamation was not read publicly at some conspicuous place of the town, where the accused ordinarily resided. A Coordinate Bench of this Court in ***Rahul Dureja's case (supra)***, has held that if there is non-compliance of mandatory provisions of Section 82(2)(i)(a) of Cr.P.C. and proclamation is not read publicly in same conspicuous place of the town or village where the accused ordinarily resides, the accused is deprived of the knowledge of proclamation and on this score, the proclamation notice is liable to be quashed. In ***Harvinder Singh's case (supra)***, it has been further held that if proclamation is not read publicly in the village where accused resided, it is not an irregularity but it renders proclamation and subsequent proceedings as nullity. On this score also, the proceedings initiated under Section 82 Cr.P.C. against the petitioner are invalid.

10. As a result of aforesaid discussion, I am of the considered opinion that proper procedure has not been followed by the trial Court while declaring petitioner a proclaimed person and the impugned order, thus, suffers from material irregularities and illegalities and the same is, thus, not sustainable and is liable to be set aside and accordingly, the present petition is accepted and the impugned order dated 01.07.2025 (Annexure P-4), vide which, the petitioner was declared proclaimed person is set aside.



11. Pending misc. applications(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

November 19, 2025
Renu

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No