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

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CRM-M-70531-2025 (O&M)

Date of decision: 15.12.2025

Kaka @ Lovepreet Singh @ Ravinder Singh**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for quashing of order dated 18.08.2025 (Annexure P-12), passed by the Court of learned Judicial Magistrate First Class, Batala in case arising out of FIR No. 105 dated 13.11.2023, registered under Sections 304, 148 and 149 of IPC at Police Station Qadian, Police District Batala, District Gurdaspur, whereby the petitioner had been declared a proclaimed offender/person.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in the aforementioned case. Since the matter was compromised between the parties, the petitioner was under a *bona fide* impression that no case is pending. It is further argued that even otherwise, he was never served with any summons/notice/warrants issued by the learned trial Court and he had been declared a proclaimed offender/person without following

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the proper procedure prescribed under Section 82 of Cr.P.C. He is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, Senior DAG, Punjab, who has advance notice of the petition, has submitted that there is no infirmity or illegality in the impugned order and the petitioner had rightly been declared a proclaimed offender as he was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. as against the petitioner till the date of declaring him a proclaimed offender/person, this Court is of the considered opinion that the impugned order dated 18.08.2025 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

7. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on 31.05.2025, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 10.07.2025. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that that the

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petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. A perusal of the record reveals that when the case was taken up on 10.07.2025, the same was adjourned to 21.07.2025 for awaiting presence of the serving police official and for recording his statement with regard to execution of the proclamation. When the case was then taken up on 21.07.2025, the statement of the serving police official was recorded, as per which, the proclamation was executed on 15.07.2025 requiring the petitioner to cause his appearance before the trial Court on 21.07.2025, which means that the petitioner was not granted mandatory period of 30 days to cause his appearance before the learned trial Court. Hence, the same was in clear violation of the provisions of Section 82(1) Cr.P.C., as per which, a specified time of not less than 30 days is required to be given to the accused from the date of publishing such proclamation which is mandatory in nature. Reliance in this regard can be placed upon ***Gurappa Gugal and others Vs. State of Mysore : 1969 CriLJ 826*** and ***Shokat Ali Vs. State of Haryana : 2020(2) RCR (Criminal) 339.*** Further, while adjourning the case to 18.08.2025 to complete the mandatory period of 30 days, the learned trial Court failed to consider the fact that it could not have extended the time by simply adjourning the case as a fresh proclamation was required to be published once the period between issuance of publication of proclamation and the specified period of hearing was less

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than 30 days. Reference in this context can be made to ***Dilbagh Singh Vs. State of Punjab (P&H) : 2015 (8) R.C.R. (criminal) 166.***

9. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is allowed and the impugned order dated 18.08.2025 (Annexure P-12), passed by the Court of learned Judicial Magistrate First Class, Batala in case arising out of FIR No. 105 dated 13.11.2023, registered under Sections 304, 148 and 149 of IPC at Police Station Qadian, Police District Batala, District Gurdaspur, whereby the petitioner had been declared a proclaimed offender/person, is quashed with all consequential proceedings arising therefrom.

10. However, the petitioner is directed to surrender before the Court concerned within a period of 20 days from today, subject to order for grant of anticipatory bail, if any passed on his petition to be filed under Section 482 of BNSS. In the absence of any order for grant of anticipatory bail and on such surrender, the petitioner shall be liable to be remanded to judicial custody subject to any order for grant of regular bail to be passed by the concerned Court in accordance with law.

11. Needless to observe that in case any application is filed before the concerned Court for grant of regular bail, then the concerned Court shall be bound to dispose of the same expeditiously and that nothing in this order shall be treated as expression of any opinion on merits so as to bind or influence the concerned Court in disposal of the same.

12. Till the appearance of the petitioner before the trial Court, his arrest shall remain stayed.

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13. It is made clear that in case the petitioner fails to appear before the trial Court within a period of four weeks from today, this petition shall be deemed to be dismissed.

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Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No