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

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CRM-M-70574-2025 (O&M)

Date of decision: 15.12.2025

Ramesh Kumar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karan Garg, 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 quashing of order dated 27.10.2025, passed by the Court of learned Judicial Magistrate First Class, Fatehabad in case arising out of FIR No. 256 dated 03.08.2022, registered under Sections 420, 467, 468, 471, 120-B and 506 of IPC at Police Station Bhuna District Fatehabad, whereby the petitioner had been declared a proclaimed person.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in this case. The petitioner was never served with any notice/warrants issued by the learned trial Court and had been declared a proclaimed person without following the proper procedure prescribed under Section 82 Cr.P.C. He is ready to join the proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. Notice of motion.

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4. Mr. Birender Bikram Attray, Addl. A. G., Haryana, who has advance notice of the petition, has submitted that there is no illegality or infirmity in the impugned order and the petitioner had rightly been declared a proclaimed person as he was running away from the process of Court. Hence, it is urged that the petition is liable to be dismissed.

5. After hearing learned counsel for the parties and going through the material placed on record, it is revealed from the statement of the serving police official that the proclamation was not publicly read over in some conspicuous place of the town or village in which the petitioner was supposed to be residing. As per Section 82 (2) of the Cr.P.C., for publication, the proclamation has to be first publicly read in some conspicuous place of the town or village in which the accused ordinarily resides; then the same has to be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides or to some conspicuous place of such town or village and thereafter a copy of the proclamation has to be affixed to some conspicuous part of the Court-house. The three sub-clauses (a)-(c) in Section 82 (2)(i) of the Cr.P.C. are conjunctive and not disjunctive, which means that there would be no valid publication of the proclamation unless all the three modes of publication are proved. Reliance in this regard can be placed upon ***Pawan Kumar Gupta Vs. The State of W.B. : 1973 CriLJ 1368.***

6. Accordingly, the present petition is allowed and the impugned order dated 27.10.2025, passed by the Court of learned Judicial Magistrate First Class, Fatehabad in case arising out of FIR No. 256 dated 03.08.2022, registered under Sections 420, 467, 468, 471, 120-B and 506 of IPC at Police Station Bhuna District Fatehabad, whereby the petitioner had been declared a

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proclaimed person, is quashed with all consequential proceedings arising therefrom.

7. 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.

8. 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.

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

10. 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.

11. This relief, however, shall be subject to deposit of cost of Rs.10,000/- by the petitioner with the District Legal Services Authority, Fatehabad.

15.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No