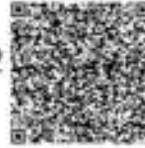


2025:PHHC:176812



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

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CRM-M-72292-2025 (O&M)

Date of decision: 22.12.2025

Kamaljeet Kaur @ Kamla**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

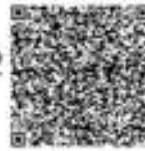
Present:- Mr. Barjinder Singh, Advocate
for the petitioner.

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 01.03.2025, passed by the Court of learned Judge, Special Court, Kapurthala in case arising out of FIR No. 43 dated 13.05.2023, registered under Sections 21, 22 and 29 of the NDPS Act, 1985 at Police Station Satnampura, Phagwara, District Kapurthala, whereby the petitioner had been declared a proclaimed person.

2. It has been argued by learned counsel for the petitioner that she has been falsely implicated in this case. She was on bail but the same was cancelled on 20.07.2024 due to her non-appearance before the Court concerned. It is further argued that 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. She is ready to join the proceedings. Hence, it is urged that the impugned order is liable to be set aside.

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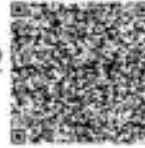
3. Notice of motion.

4. Ms. Ruchika Sabherwal, Senior DAG, Punjab, 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 she 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 01.03.2025, passed by the Court of learned Judge, Special Court, Kapurthala in case arising out of FIR No. 43 dated 13.05.2023, registered under Sections 21, 22 and 29 of the NDPS Act, 1985 at Police Station

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Satnampura, Phagwara, District Kapurthala, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

7. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial, she is directed to surrender before the learned trial Court within a period of 20 days from today and on doing so, the learned trial Court shall release her on bail, subject to her furnishing fresh personal/surety bonds to its satisfaction.

8. Till the appearance of the petitioner before the learned trial Court, her arrest shall remain stayed.

9. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

10. However, this relief shall be subject to payment of cost of Rs. 20,000/-, to be deposited by the petitioner with the District Legal Services Authority, Kapurthala.

22.12.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*