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

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CRM-M-2539-2025 (O&M)

Date of decision: 08.05.2026

Baljinder Kaur @ Rani**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. N. K. Vadhera, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 482 of Cr.P.C. seeking quashing of FIR No. 77 dated 21.06.2017, registered under Sections 323, 382 and 34 of IPC (Sections 394 and 120-B of IPC added later on) at Police Station Sadar SBS Nagar along with all the subsequent proceedings having emanated therefrom including order dated 17.08.2018 (Annexure P-3), whereby the petitioner had been declared a proclaimed person.

2. At the very outset, learned counsel for the petitioner has restricted his arguments only to the extent of quashing of the order dated 17.08.2018.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in the aforementioned case. The petitioner was in abroad prior to registration of the present FIR. She was not aware about the same. She was never served with any notice/warrants issued by the learned trial Court at her ordinary place of residence in abroad. More so, the petitioner had been

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declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. She is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

4. *Per contra*, learned Senior Deputy Advocate General, Punjab has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed absconder as she 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 of Cr.P.C. as against the petitioner till the date of declaring him a proclaimed person, this Court is of the considered opinion that the impugned order dated 17.08.2018 suffers from some 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 the proclamation against the petitioner was issued for 19.07.2018. However, the same was executed by the serving police official only on 10.07.2018 requiring the petitioner to cause her appearance before the learned trial Court on 19.07.2018, which means that the petitioner was not granted mandatory period of 30 days to cause her 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

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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 17.08.2018 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 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***.

8. A perusal of the record also shows that it was in the knowledge of the Court concerned the petitioner was residing abroad. However, no efforts whatsoever were made by the Court concerned to know about the address of the petitioner in abroad, where the process could be sent to him. No letter to Ministry of External Affairs qua service of notice/warrants/proclamation against the petitioner is shown to have been written by the trial Court. As such, it can reasonably be presumed that the process never reached the petitioner and hence, he had no occasion to conceal himself. As such, the action of the trial Court by switching to the proclamation proceedings under Section 82 Cr.P.C. can itself be stated to be bad in the eyes of law. Reliance in this context can be placed upon ***Manjit Kaur vs. State of Punjab : 2013 SCC Online (P&H) 8663***.

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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 partly allowed and the impugned order dated 17.08.2018, whereby the petitioner had been declared a proclaimed 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 six weeks, subject to order for grant of anticipatory bail, if any passed on her 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, her arrest shall remain stayed.
13. The petitioner is granted liberty to file a fresh petition for quashing of the aforementioned FIR, if so advised.

08.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No