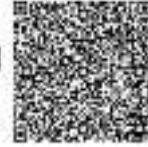


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-4189-2026 (O&M)

Date of decision: 11.02.2026

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

Present:- Mr. Munish Bhardwaj, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)**1. CRM-5348-2026**

Allowed as prayed for.

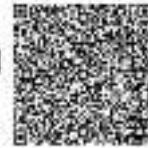
Documents are taken on record.

2. CRM-M-4189-2026 (O&M)

The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 01.11.2025 (Annexure P-19), passed by the Court of learned Sub Divisional Judicial Magistrate, Khanna in case titled as ***Ravi Chail vs. Kuldeep Singh***, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby the petitioner had been declared a proclaimed person.

3. It is argued by learned counsel for the petitioner that he is facing trial in the aforementioned case. He had appeared before the learned trial Court and was granted concession of bail. Subsequently, the dispute was amicably settled between the petitioner and respondent No.2/complainant before the Lok Adalat, wherein the petitioner had agreed to pay an amount of

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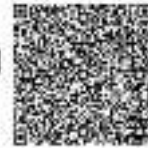
Rs.2,40,000/- in 16 installments to clear his liabilities. In terms of the same, he had paid a sum of Rs.64,000/- but could not pay remaining amount of money due to some financial constraints. Hence, on an application moved by the respondent No. 2/complainant, the aforementioned complaint was restored and notices/warrants were issued to the petitioner but the same were never served upon him, due to which, he could not appear before the learned trial Court and was, ultimately, declared a proclaimed person. His absence before the Court was neither intentional nor deliberate but due to the fact that he was under a *bona fide* impression that the case stood disposed of. Moreso, the petitioner had been declared a proclaimed person without following 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.

4. This Court has heard the submissions made by learned counsel for the petitioner.

5. On giving due deliberations to the contentions as raised by learned counsel for the petitioner 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 person, this Court is of the considered opinion that the impugned order dated 01.11.2025 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

6. 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 06.09.2025, since the non-bailable warrants issued against the petitioner were

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received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 01.11.2025. 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 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.***

7. Further, a perusal of the statement of the serving police official reveals 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 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.***

8. 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 01.11.2025 (Annexure P-

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19), passed by the Court of learned Sub Divisional Judicial Magistrate, Khanna in case titled as ***Ravi Chail vs. Kuldeep Singh***, filed under Section 138 of the N. I. Act, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

9. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial, he is directed to surrender before the learned trial Court within a period of 15 days from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

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

11. 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.

12. However, this relief shall be subject to payment of cost of Rs. 10,000/-, to be deposited by the petitioner with the learned trial Court, which shall be disbursed to respondent No. 2/complainant on his appearance.

11.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No