



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

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**CRM-M No.13601 of 2026
Date of decision : 18.5.2026
Date of uploading : 20.05.2026**

Saravjit Singh @ Lovely**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raj Kumar Bhatia, Advocate, for the petitioner
(through VC)

Ms. Priyanka Sadar, Senior DAG, Haryana

SUMEET GOEL, J. (ORAL)

1. This petition has been filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, quashing the order dated 1.7.2025 passed by the Additional Sessions Judge, Kaithal; and subsequent orders arising therefrom, whereby the petitioner has been declared as proclaimed offender in FIR No.16 dated 23.1.2021 under Sections 148, 149, 323, 302 IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Guhla, District Kaithal.

2. Learned counsel for the petitioner has contended that the impugned order, whereby the petitioner has been declared a proclaimed offender, is wholly illegal, arbitrary, and unsustainable in the eyes of law.



Learned counsel has submitted that earlier the petitioner was arrested in this case on 27.1.2021 and was granted the concession of regular bail by this Hon'ble Court vide order dated 2.6.2023. Learned counsel has submitted that the petitioner was regularly appearing before the Court below till 12.11.2024. The petitioner could not cause appearance on 12.11.2024 resulting cancellation of his bail. Subsequently, proclamation proceedings were initiated against the petitioner and proclamation was issued against the petitioner on 28.4.2025 for 20.5.2025. After recording statement of executing official on 20.5.2025, the petitioner was declared a proclaimed offender vide order dated 1.7.2025, which is impugned in the present case. Learned counsel has urged that the statutory period of 30 days had not elapsed from the date of publication of proclamation till the date fixed for appearance, however, vide impugned order dated 1.7.2025, the petitioner was declared proclaimed offender on the basis of the same proclamation proceedings. Learned counsel has argued that the said proclamation was not in consonance with the provisions of Section 82 of the Cr. P.C., thus, the order declaring the petitioner a proclaimed offender is in gross violation of law and principles of natural justice as there was no deliberate evasion or non-appearance on the part of the petitioner. In support of his contention, learned counsel has also relied upon the judgement of *Pardeep Kumar v. State of Haryana and another*, CRM-M No.41656 of 2023, decided on 23.8.2023. On the basis of these submissions, learned counsel has prayed that the impugned order being illegal and unjustified, is liable to be set-aside. Moreover, submissions are



made regarding causing appearance in terms of order of this Court dated 12.03.2026.

3. Learned State counsel has filed reply by way of affidavit of Ramesh Gulia, Deputy Superintendent of Police, Guhla, District Kaithal, in Court today. The same be kept on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the petition in hand by arguing that allegations against the petitioner are serious in nature, the petitioner has misused the concession of bail earlier extended to him by not appearing before the trial Court & no plausible explanation has been brought forth as to why the petitioner did not appear before the trial Court on the aforesaid date. However, he has admitted the fact that vide order dated 12.3.2026 passed by this Court, the petitioner caused appearance before the Court below and was released on bail as well.

4. I have heard learned counsel for the rival parties and have perused the available record.

5. This Court finds that the course adopted by the Court below is in clear contravention of, and antithetical to, the provisions of Section 82 of the Code of Criminal Procedure, 1973. The Court below has committed a manifest illegality by issuing and acting upon the proclamation without ensuring compliance with the mandatory statutory requirements. The law is well settled that no person can be declared a proclaimed offender/person unless the procedure prescribed under Section 82 of the Code of Criminal Procedure, 1973 is meticulously adhered to. It is trite



law that the provisions of Section 82 are mandatory in nature, and any non-compliance thereof vitiates the entire proceedings. A perusal of the record reflects that the proclamation was issued against the petitioner on 28.4.2025. Thereafter on 20.5.2025, the statement of the serving official has been recorded. Thus, admittedly only 22/23 days have elapsed between the date of publication of proclamation and the date fixed for appearance before the Court. Section 82 of Cr.P.C. mandates that the Court shall publish a written proclamation requiring the accused to appear at a specified place and time not less than 30 days from the date of publishing such proclamation. The requirement of 30 days is mandatory in nature and not a mere procedural formality. Such an order being violative of mandatory provisions of law, cannot be sustained. Section 82 of the Criminal Procedure Code, 1973 reads as under:

“82. Proclamation for person absconding. - (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows: -

(i)(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the court-house;

(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this Section have been complied with, and that the proclamation was published on such day.

[(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under Sections 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436,



449, 459, or 460 of the Indian Penal Code (45 of 1860), and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).]”

6. A Coordinate Bench of this Court while dealing with invocation of the provision of Section 82 of the Code of Criminal Procedure, against an accused in the case of **‘Sonu v. State of Haryana, 2021(1) RCR (Criminal) 319’**, held as under:

“9. The essential requirements of section 82 of the Cr.P.C., 1973 for issuance and publication of proclamation against an absconder and declaring him as proclaimed person/offender may be summarized as under:-

(i) Prior issuance of warrant of arrest by the Court is sine qua non for issuance and publication of the proclamation and the Court has to first issue warrant of arrest against the person concerned. (See Rohit Kumar v. State of Delhi: 2008 CrI. J. 2561).

(ii) There must be a report before the Court that the person against whom warrant was issued had absconded or had been concealing himself so that the warrant of arrest could not be executed against him. However, the Court is not bound to take evidence in this regard before issuing a Proclamation under section 82(1) of the Cr.P.C., 1973. (See Rohit Kumar v. State of Delhi : 2008 CrI. J. 2561).

(iii) The Court cannot issue the Proclamation as a matter of course because the Police is asking for it. The Court must be prima facie satisfied that the person has absconded or is concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence. (See Bishundayal Mahton and others v. Emperor : AIR 1943 Patna 366 and Devender Singh Negi v. State of U.P. : 1994 CrI LJ (Allahabad HC) 1783).

(iv) The requisite date and place for appearance must be specified in the proclamation requiring such person to appear on such date at the specified place. Such date must not be less than 30 clear days from the date of issuance and publication of the proclamation. (See Gurappa Gugal and others v. State of Mysore : 1969 CriLJ 826 and Shokat Ali v. State of Haryana : 2020(2) RCR (CRIMINAL) 339).

(v) Where the period between issuance and publication of the proclamation and the specified date of hearing is less than thirty days, the accused cannot be declared a proclaimed person/offender and the proclamation has to be issued and published again. (See Dilbagh Singh v. State of Punjab (P&H) : 2015 (8) RCR (CRIMINAL) 166 and Ashok Kumar v. State of Haryana and another : 2013 (4) RCR (CRIMINAL) 550)

(vi) The Proclamation has to be published in the manner laid down in section 82(2) of the Cr.P.C., 1973. 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., 1973 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. (See Pawan Kumar Gupta v. The State of W.B. : 1973 CriLJ 1368). Where the Court so orders a copy of the proclamation has to be additionally published in a daily newspaper circulating in the place in which the accused ordinarily resides. Advisably, proclamation has to be issued with four copies so that one each of the three copies of the proclamation may be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides, to some conspicuous place of such town or village and to some conspicuous part of the Courthouse and report regarding publication may be made on the fourth copy of the proclamation. Additional copy will be required where the proclamation is also required to be published in the newspaper.

(vii) Statement of the serving officer has to be recorded by the Court as to the date and mode of publication of the proclamation. (See Birad Dan v. State: 1958 CriLJ 965).

(viii) The Court issuing the proclamation has to make a statement in writing in its order that the proclamation was duly published on a specified day in a manner specified in section 82(2)(i) of the Cr.P.C., 1973. Such statement in writing by the Court is declared to be conclusive evidence that the requirements of Section 82 have been complied with and that the proclamation was published on such day. (See Birad Dan v. State: 1958 CriLJ 965).

(xi) The conditions specified in section 82(2) of the Cr.P.C., 1973 for the publication of a Proclamation against an absconder are mandatory. Any non-compliance therewith cannot be cured as an 'irregularity' and renders the Proclamation and proceedings subsequent thereto a nullity. (See Devendra Singh Negi alias Debu v. State of U.P. and another: 1994 CriLJ 1783 and Pal Singh v. The State: 1955 CriLJ 318)."

7. On 12.3.2026, the following order was passed:

'Notice of motion.

On the strength of advance copy; Ms. Priyanka Sadar, Senior DAG, Haryana causes appearance on behalf of the respondent-State. She seeks and is permitted time to file reply.

Meanwhile, Registry to upload record of the Courts below on DMS by requisitioning the same through electronic mode.

List on 12.05.2026.

In case, the petitioner causes appearance before the concerned trial Court on or before 20.03.2026, he shall be admitted to interim bail to the satisfaction of the said Court.'



It is common ground between the learned rival counsel that the petitioner has caused appearance before the concerned Court in terms of order dated 12.3.2026. Learned counsel has further iterated that the petitioner shall continue to cause appearance before the concerned Court in accordance with law.

8. The provisions of Section 82 of the Code of Criminal Procedure, having serious civil and criminal ramifications *qua* the rights of an accused, particularly affecting his liberty and participation in trial proceedings, cannot be invoked in a casual or cavalier manner. The mandatory requirement of recording satisfaction that the accused has absconded or is concealing himself/ herself so that the warrant of arrest cannot be executed, as embodied under Section 82 Cr.P.C., must be scrupulously complied with on the basis of cogent and relevant material available on record. Any non-adherence to this statutory mandate while declaring an accused as a proclaimed offender/person vitiates the proclamation proceedings in their entirety.

9. In the aforesaid backdrop, this Court is of the considered opinion that no useful purpose would be served by permitting the criminal proceedings to continue against the petitioner, which are founded upon an illegal and procedurally flawed proclamation. It is, therefore, a fit and appropriate case for the exercise of inherent powers under Section 528 of the BNSS / Section 482 of the Cr.P.C., so as to prevent abuse of the process of law and to secure the ends of justice.



10. In view of the above findings, and considering the entirety of the facts and circumstances of the present case, especially the petitioner having joined the proceedings and having been admitted to interim bail by virtue of order dated 12.3.2026, the present petition is allowed. Consequently, the impugned order dated 1.7.2025 passed by the Additional Sessions Judge, Kaithal, whereby, the petitioner has been declared as proclaimed offender, as well as all consequential proceedings arising therefrom, are hereby quashed.
11. Pending application(s), if any, shall also stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

18.5.2026
Ashwanii

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No