

2026.PHHC.053672



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

133

CRM-M-18797-2026 (O&M)

Date of decision: 08.04.2026

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

Present:- Mr. Mohit Kumar Gujjar, 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 21.02.2023 (Annexure P-5), passed by the Court of learned Judicial Magistrate First Class, Rohtak in case arising out of FIR No. 81 dated 21.02.2018, registered under Sections 406 and 420 of IPC at Police Station Sampla, District Rohtak, whereby the petitioner had been declared a proclaimed person, along with all the subsequent proceeding having emanated therefrom.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner was granted bail on 23.05.2018 and was regularly appearing before the learned trial Court. However, subsequently he could not appear before the Court concerned due to some unavoidable circumstances, which resulted into cancellation of his bail on 27.10.2021 and issuance of non-bailable warrants against him. Ultimately, he was declared a proclaimed person. It is argued that absence of the petitioner

2026.PHHC.053672



before the learned trial Court was neither intentional nor deliberate. He was never served with any notice/warrants issued by the learned trial Court. 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.

3. Notice of motion.

4. Ms. Himani Arora, DAG, Haryana, who is present in Court, accepts notice of the petition and is ready to argue the matter. Learned State counsel has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed person as he 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 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 15.02.2024 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 on 22.09.2022, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of

2026.PHHC.053672



proclamation against him for 21.02.2023. However, 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, the present petition is allowed and the impugned order dated 21.02.2023 (Annexure P-5), passed by the Court of learned Judicial Magistrate First Class, Rohtak in case arising out of FIR No. 81 dated 21.02.2018, registered under Sections 406 and 420 of IPC at Police Station Sampla, District Rohtak, 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 on or before

2026.PHHC.053672



18.04.2026 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. 25,000/-, to be deposited by the petitioner with the District Legal Services Authority, Rohtak.

08.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No