

2026.PHHC.052731



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

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CRM-M-18632-2026 (O&amp;M)

Date of decision: 07.04.2026

**Jaspreet @ Jaswinder Kaur @ Jaswinder Kaur Hangra****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Surinder Singh Walia, Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 30.09.2022 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case arising out of FIR No. 79 dated 27.04.2015, registered under Sections 420 and 120-B of IPC at Police Station Division 6, Industrial Area, District Ludhiana, whereby the petitioner had been declared a proclaimed absconder.

2. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The petitioner was on bail and was regularly appearing before the learned trial Court. However, subsequently, she could not appear before the learned trial Court due to the fact that she was suffering from various ailments. Photocopies of the medical records have been placed on record in support of this claim. Due to non-appearance of the petitioner before the learned trial Court, her bail was cancelled and non-bailable

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warrants were issued against her and ultimately, she was declared a proclaimed absconder. The absence of the petitioner before the Court concerned was neither intentional nor deliberate but due to the fact as mentioned above. Even otherwise, the petitioner was never served with any notice/warrants issued by the learned trial Court. She had been declared a proclaimed absconder 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.

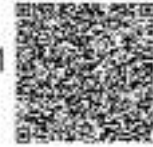
3. *Per contra*, learned Senior Deputy Advocate General, Punjab has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed absconder as she was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

4. This Court has heard the rival submissions.

5. 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 her a proclaimed absconder, this Court is of the considered opinion that the impugned order dated 30.09.2022 suffers from some 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 05.08.2022, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of

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proclamation against her for 30.09.2022. 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 the petitioner had absconded or was concealing herself 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. Accordingly, the present petition is allowed and the impugned order dated 30.09.2022 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case arising out of FIR No. 79 dated 27.04.2015, registered under Sections 420 and 120-B of IPC at Police Station Division 6, Industrial Area, District Ludhiana, whereby the petitioner had been declared a proclaimed absconder, is quashed with all consequential proceedings arising therefrom.

8. 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 15 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.

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

10. 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.

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11. However, this relief shall be subject to payment of cost of Rs. 30,000/-, to be deposited by the petitioner with the District Legal Services Authority, Ludhiana.

07.04.2026

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*