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

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CRM-M-21724-2026 (O&M)

Date of decision: 23.04.2026

Furkan @ Mohammad Furkan**...Petitioner****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Inderjeet Singh, 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 11.11.2025 (Annexure P-1), passed by the Court of learned Sub Divisional Judicial Magistrate, Naraingarh in case bearing NACT No. 509 of 2021, titled as ***Babu Ram vs. Furkan***, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*) and Section 420 of IPC, whereby the petitioner had been declared a proclaimed person.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in the aforesaid case. He was not aware about the pendency of the proceedings against him as he was never served with any notice/warrants issued by the learned trial Court. He had been declared a proclaimed person without following the proper procedure prescribed under Section 84 of BNSS. He is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

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3. This Court has heard the submissions made by learned counsel for the petitioner, besides going through the material placed on record.

4. 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 84 of BNSS 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 11.11.2025 suffers from some illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

5. 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 at the first instance on 23.09.2023, since the non-bailable warrants issued against the petitioner were received back unserved, the learned trial Court had ordered for issuance of proclamation against him for 03.11.2026. 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***. Since the previous proclamation was not issued by the Ahlmad of the Court, a fresh proclamation was ordered to be issued for 11.11.2025.

6. A perusal of the record reveals that on 06.10.2025, the serving police official had appeared before the Court and had sought time to execute the proclamation. The case was adjourned to 13.10.2025. Even on this date, he

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sought time for the same purpose and the case was fixed for 14.10.2025. However, when he appeared on 14.10.2025 before the Court, he is shown to have stated that the proclamation was executed on 11.10.2025 itself, which is contrary to his statement made on previous two dates. It creates a reasonable doubt as to whether the procedure as laid down in law was properly followed during the proclamation proceedings or not.

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 84(2) of BNSS 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 84(2)(i) of the BNSS 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 11.11.2025 (Annexure P-1), passed by the Court of learned Sub Divisional Judicial Magistrate, Naraingarh in case bearing NACT No. 509 of 2021, titled as ***Babu Ram vs. Furkan***, filed

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under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*) and Section 420 of IPC, whereby the petitioner had been declared a proclaimed person, 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 04 weeks from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing 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.

23.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No