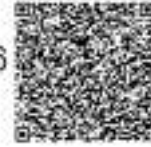


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-28471-2026 (O&M)

Date of decision: 19.05.2026

Jagseer Singh and others**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Imaan Singh Khara, Advocate
for the petitioners.

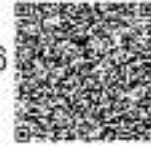
Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 23.12.2024 (Annexure P-2), passed by the Court of learned Sub Divisional Judicial Magistrate, Phul in case titled as ***State vs. Jagga Singh***, arising out of FIR No. 200 dated 08.10.2023, registered under Sections 307, 324, 506, 148 and 149 of IPC at Police Station City Rampura, District Bathinda, whereby the petitioners had been declared as proclaimed persons.

2. The present petition has been filed by the petitioners on the grounds and it has been argued by their counsel that the petitioners have been falsely implicated in the aforementioned case. They were not aware about registration of aforementioned FIR against them. They could not appear before the Court as they were never served with any notice/warrants issued by the learned trial Court. More so, the petitioners had been declared as

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proclaimed persons without following the proper procedure prescribed under Section 82 of Cr.P.C. They are ready to appear before the learned trial Court and join the proceedings. Hence, it is urged that the impugned order is liable to be set aside.

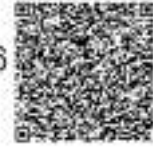
3. *Per contra*, learned Senior Deputy Advocate General, Punjab has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioners have rightly been declared as proclaimed persons as they were running away from the process of Court. It is, thus, urged that the 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 of Cr.P.C. as against the petitioners till the date of declaring them proclaimed persons, this Court is of the considered opinion that the impugned order dated 23.12.2024 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 30.10.2024, since the non-bailable warrants issued against the petitioners were received back unserved, the learned trial Court had ordered for issuance of proclamation against them for 21.12.2024. 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 petitioners had absconded or

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was concealing themselves 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, in view of the above, the present petition is allowed and the impugned order dated 23.12.2024 (Annexure P-4), passed by the Court of learned Sub Divisional Judicial Magistrate, Phul in case titled as ***State vs. Jagga Singh***, arising out of FIR No. 200 dated 08.10.2023, registered under Sections 307, 324, 506, 148 and 149 of IPC at Police Station City Rampura, District Bathinda, whereby the petitioners had been declared as proclaimed persons, is quashed with all consequential proceedings arising therefrom.

8. However, the petitioners are directed to surrender before the Court concerned within a period of four weeks, subject to order for grant of anticipatory bail, if any passed on his petition to be filed under Section 482 of BNSS. In the absence of any order for grant of anticipatory bail and on such surrender, the petitioners shall be liable to be remanded to judicial custody subject to any order for grant of regular bail to be passed by the concerned Court in accordance with law.

9. Needless to observe that in case any application is filed before the concerned Court for grant of regular bail, then the concerned Court shall be bound to dispose of the same expeditiously and that nothing in this order shall be treated as expression of any opinion on merits so as to bind or influence the concerned Court in disposal of the same.

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10. Till the appearance of the petitioners before the learned trial Court, their arrest shall remain stayed.
11. It is made clear that in case the petitioners fail to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

19.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>