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

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CRM-M-28365-2026 (O&M)

Date of decision: 03.07.2026

Vishal Sood**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Aashish Bhagat, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. CRM-26135-2026

Allowed as prayed for.

Documents are taken on record.

2. CRM-M-28365-2026 (O&M)

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 15.09.2012 (Annexure P-2), passed by the Court of learned Additional Chief Judicial Magistrate, Ropar in case arising out of FIR No. 53 dated 19.04.2010, registered under Sections 452, 323 and 34 of IPC at Police Station Morinda, District Rupnagar, whereby the petitioner had been declared a proclaimed absconder.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in the aforementioned case. The petitioner was on bail. However, he left the country for United Kingdom. Due to his absence before

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the Court, firstly his bail was cancelled and ultimately he was declared a proclaimed absconder. It is further argued that he was never served with any notice/warrants issued by the learned trial Court at his ordinary place of residence. He had been declared a proclaimed absconder 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.

4. *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 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 absconder, this Court is of the considered opinion that the impugned order dated 15.09.2012 suffers from material 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 23.04.2012, 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 30.05.2012. A bare perusal of this order shows

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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.***

8. Further, a perusal of the record reveals that a fresh proclamation was issued on 30.05.2012 for 23.07.2012. However, since the presiding officer was on leave on 23.07.2012, the case was adjourned to 11.09.2012, on which date, statement of the serving police official was recorded and the case was fixed for 15.09.2012 and the petitioner was declared a proclaimed absconder on the said date. This procedure adopted by the Court concerned cannot be stated to be in consonance with the provisions of Section 82 of Cr.P.C. as a fresh proclamation should have been issued once the case was adjourned from 23.07.2012 to 11.09.2012 due to the reason mentioned above. Hence, it can be stated that proper procedure was not followed while declaring the petitioner a proclaimed absconder.

9. 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 15.09.2012 (Annexure P-2), passed by the Court of learned Additional Chief Judicial Magistrate, Ropar in case arising out of FIR No. 53 dated 19.04.2010, registered under Sections 452, 323 and 34 of IPC at Police Station Morinda, District Rupnagar, whereby the petitioner had been declared a proclaimed absconder, is quashed with all consequential proceedings arising therefrom.

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10. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial qua him, he is directed to surrender before the learned trial Court within a period of one month from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction.

11. Till the appearance of the petitioner before the learned trial Court, his arrest shall remain stayed.

12. 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.

13. However, this relief shall be subject to payment of cost of Rs. 20,000/-, to be deposited by the petitioner with the District Legal Services Authority, Rupnagar.

03.07.2026*Waseem R. Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*