

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

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2026.PHHC.077283



**CRM-M-28293-2026 (O&M)**  
**Date of decision: 18.05.2026**

**Shilpi Engineering Pvt. Ltd. and others****...Petitioners**

**Versus**

**Jaspal Singh****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sharad Aggarwal, Advocate  
for the petitioners.

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

1. The instant petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 01.05.2025 (Annexure P-16), passed by the Court of learned Judicial Magistrate First Class, Panipat in Criminal Complaint bearing No. NACT-747-2023, titled as ***Jaspal Singh v. Shilpi Engineering Pvt. Ltd. and others***, filed under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby the petitioners had been declared as proclaimed persons.

2. It is argued by learned counsel for the petitioner that they have been falsely implicated in the aforesaid case. They have been declared as proclaimed persons without following the proper procedure prescribed under Section 82 of Cr.P.C. They were never served with any notice/summons/warrant issued by the learned trial Court. They are ready to

join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. This Court has heard the submissions made by learned counsel for the petitioners and on going through the material placed on record it is revealed that on 26.07.2024, 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 09.10.2024. 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 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 v. State of Delhi : 2008 CrL J. 2561*.

4. 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 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 84 (2)(i) of 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 v. The State of W.B. : 1973 CriLJ 1368.***

5. 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 01.05.2025 (Annexure P-16), passed by the Court of learned Judicial Magistrate First Class, Panipat in Criminal Complaint bearing No. NACT-747-2023, titled as ***Jaspal Singh v. Shilpi Engineering Pvt. Ltd. and others***, filed under Sections 138 and 142 of the N. I. Act, whereby the petitioners had been declared as proclaimed persons, is quashed with all consequential proceedings arising therefrom.

6. Keeping in view the fact that the petitioners are ready to join the Court proceedings which would obviously help in speedy conclusion of trial, they are 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 them on bail, subject to their furnishing personal/surety bonds to its satisfaction.

7. Till the appearance of the petitioners before the learned trial Court, their arrest shall remain stayed.

8. 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.

**18.05.2026**  
***Waseem R. Ansari***

**(MANISHA BATRA)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*