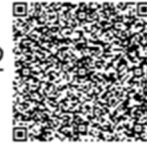


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-29765-2026 (O&M)

Date of decision: 25.05.2026

Rocky**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Malkiat S. Hundal, Advocate
for the petitioner.

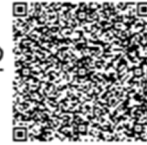
Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 09.03.2026 (Annexure P-5), passed by the Court of learned Chief Judicial Magistrate, Tarn Taran in case arising out of FIR No. 84 dated 10.05.2024, registered under Section 61 of the Excise Act, 1914, 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 this case. He was granted concession of bail by the learned trial Court, vide order dated 08.07.2024 and was regularly appearing before the learned trial Court. However, he absented himself on 15.09.2025 due to some miscommunication with his counsel, consequent to which, his bail was cancelled and non-bailable warrants were issued against him for 10.10.2025. Ultimately, he was declared a proclaimed person. It is further argued that he was never served with any notice/warrants issued by the

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learned trial Court. More so, the petitioner 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.

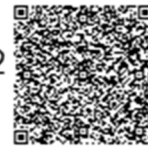
3. *Per contra*, learned Senior Deputy Advocate General, Punjab has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed person as he was running away from the process of Court. It is, thus, urged that the petition 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 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 09.03.2026 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 05.12.2025, 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 10.01.2026. 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 the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot

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be executed, despite reasonable diligence, which was in violation of the provisions of Section 84(1) of BNSS. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 CrI. J. 2561.***

7. A perusal of the record reveals that a fresh proclamation was issued on 12.01.2026 for 11.02.2026. On 11.02.2026, the proclamation was received executed. A perusal of the impugned order reveals that the proclamation of executed on 05.02.2026, requiring the petitioner to cause his appearance before the trial Court on 11.02.2026, which means that the petitioner was not granted mandatory period of 30 days to cause his appearance before the learned trial Court. Hence, the same was in clear violation of the provisions of Section 84(1) of BNSS, as per which, a specified time of not less than 30 days is required to be given to the accused from the date of publishing such proclamation which is mandatory in nature. Reliance in this regard can be placed upon ***Gurappa Gugal and others Vs. State of Mysore : 1969 CriLJ 826*** and ***Shokat Ali Vs. State of Haryana : 2020(2) RCR (Criminal) 339.*** Further, while adjourning the case to 10.03.2026 to complete the mandatory period of 30 days, the learned trial Court failed to consider the fact that it could not have extended the time by simply adjourning the case as a fresh proclamation was required to be published once the period between issuance of publication of proclamation and the specified period of hearing was less than 30 days. Reference in this context can be made to ***Dilbagh Singh Vs. State of Punjab (P&H) : 2015 (8) R.C.R. (criminal) 166.***

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 09.03.2026 (Annexure P-5),

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passed by the Court of learned Chief Judicial Magistrate, Tarn Taran in case arising out of FIR No. 84 dated 10.05.2024, registered under Section 61 of the Excise Act, 1914, 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 was previously on bail and 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 15 days 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.

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 District Legal Services Authority, Tarn Taran.

25.05.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No