

2026:PHHC:088357



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

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CRM-M-32291-2026(O&M)

Date of decision: 01.07.2026

Parvesh Kumar @ Parvej and another**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prince Sharma, Advocate
for the petitioners.

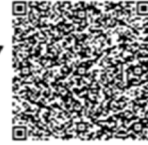
Ms. Ruchika Sabherwal, Senior DAG, Punjab.

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 12.05.2026 (Annexure P-7), passed by the Court of learned Chief Judicial Magistrate, Tarn Taran in case arising out of FIR No. 8 dated 15.01.2022, registered under Sections 457, 380 and 201 of IPC at Police Station City Tarn Taran, District Tarn Taran, whereby the petitioners had been declared as proclaimed persons.

2. It is argued by learned counsel for the petitioners that they have been falsely implicated in the aforementioned case. The petitioners were on bail and were regularly appearing before the learned trial Court. However, they absented themselves on 29.01.2026 due to noting down a wrong date, consequent to which, their bail was cancelled and non-bailable warrants were issued against them. Ultimately, due to their non-appearance, they were declared as proclaimed persons. It is further argued that the petitioners were

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never served with any notice/warrants issued by the learned trial Court at their ordinary place of residences. In fact, they have been declared as proclaimed persons without following the proper procedure prescribed under Section 84 of BNSS. They are ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. Notice of motion.

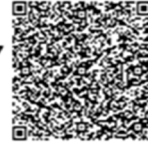
4. Learned State counsel has advance notice of the petition. She has argued that there is no infirmity in the impugned order and the petitioners have rightly been declared a proclaimed persons as they were running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

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 84 of BNSS as against the petitioners till the date of declaring him a proclaimed persons, this Court is of the considered opinion that the impugned order dated 12.05.2026 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 07.04.2026, 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 24.04.2026. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has

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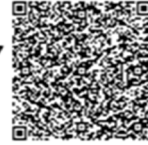
not recorded its proper satisfaction that the petitioners had absconded or was concealing themselves so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of BNSS. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. Further, on 24.04.2026, the proclamation was received executed. However, the case was adjourned to 12.05.2026 to complete the mandatory period of 30 days but the learned trial Court, while adjourning the case, 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.***

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 12.05.2026 (Annexure P-7), passed by the Court of learned Chief Judicial Magistrate, Tarn Taran in case arising out of FIR No. 8 dated 15.01.2022, registered under Sections 457, 380 and 201 of IPC at Police Station City Tarn Taran, District Tarn Taran, whereby the petitioners had been declared as proclaimed persons, is quashed with all consequential proceedings arising therefrom.

10. 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

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15 days from today and on doing so, the learned trial Court shall release them on bail, subject to their furnishing fresh personal/surety bonds to its satisfaction.

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

12. 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.

13. 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.

01.07.2026*Waseem R. Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*