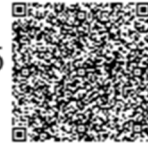


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-32861-2026 (O&M)

Date of decision: 01.07.2026

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

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

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 23.01.2012, passed by the learned trial Court in case arising out of FIR No. 141 dated 13.09.2009, registered under Sections 307, 323, 341, 201, 148 and 149 of IPC at Police Station Morinda, District Rupnagar, whereby the petitioner had been declared proclaimed offender.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in the aforementioned case. He was on bail and was regularly appearing before the learned trial Court. However, he absented himself on 08.11.2011 due to some unavoidable circumstances, consequent to which, his bail was cancelled and non-bailable warrants were issued against him. Ultimately, due to his non-appearance, he was declared as proclaimed offender. It is further argued that the petitioner was never served with any

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notice/warrants issued by the learned trial Court at his ordinary place of residence. In fact, he has been declared as proclaimed offender 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.

3. Notice of motion.

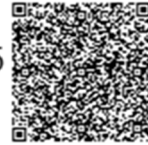
4. Learned State counsel has advance notice of the petition. She has argued that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed offender as he was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

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 of Cr.P.C. as against the petitioner till the date of declaring him a proclaimed offender, this Court is of the considered opinion that the impugned order dated 23.01.2012 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 01.12.2011, 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 19.12.2011. 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 that the petitioners 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 BNSS. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. Further, a perusal of order dated 01.12.2011 shows that the proclamation was issued for 19.12.2011, which was executed only on 12.12.2011, requiring the petitioner to cause his appearance on that day before the learned trial Court, which shows that he was not granted mandatory period of 30 days for the said purpose. Hence, the same was in clear violation of the provisions of Section 82(1) Cr.P.C., 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.***

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 23.01.2012, passed by the learned trial Court in case arising out of FIR No. 141 dated 13.09.2009, registered under Sections 307, 323, 341, 201, 148 and 149 of IPC at Police Station Morinda, District Rupnagar, whereby the petitioner had been declared offender, is quashed with all consequential proceedings arising therefrom.

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,

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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. 10,000/-, to be deposited by the petitioner with the District Legal Services Authority, Rupnagar.

01.07.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No