



153 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33562-2026(O&M)
Date of decision: 10.06.2026

PARSHOTAM LAL

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Sarju Puri, Sr. Advocate with
 Mr. Digvijay Manchanda, Advocate
 for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

ROHIT KAPOOR, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of BNSS, 2023 for quashing the order of proclamation dated 20.12.2025 (Annexure P-1) and order dated 02.05.2026 (Annexure P-2) declaring him as a proclaimed person, both passed by the learned Sub Divisional Judicial Magistrate, Garhshankar, during the trial in case FIR No. 50 dated 01.05.2021 (Annexure P-3), registered under Sections 420 IPC (corresponding Section 318(4) of BNS, 2023) at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner was granted the benefit of anticipatory bail by the Hon'ble Supreme Court of India in SLP (Criminal) No. 12024 of 2023, vide the order dated 25.09.2023. It is submitted that in pursuance to the said order, the petitioner joined the investigation and fully cooperated with the Investigating Agency. It is

contended that the petitioner remained unaware of the presentation of report under Section 173 Cr.P.C. and the subsequent proceedings before the learned trial Court and therefore could not appear before the Court on the various dates fixed for securing his presence. Submission is that the petitioner was never served with any notice/warrants issued by the learned trial Court and he was declared a proclaimed person without following the proper procedure prescribed under Section 82 of the Code of Criminal Procedure.

3. It is further contended that the record does not disclose due and effective execution of the process and therefore, the subsequent proclamation proceedings and the impugned order dated 02.05.2026 (Annexure P-2) suffer from patent illegality and is liable to be set aside.

4. The attention of the Court has drawn to the compromise deed dated 20.11.2025 (Annexure P-7), which reflects that the parties have entered into a compromise. Learned Senior counsel has argued that the order passed by the Court declaring the petitioner as a proclaimed person stands vitiated as no proper satisfaction was recorded that the petitioner was deliberately absconding or concealing himself to evade his arrest. It is further submitted that it is well settled that the condition specified under Section 82 of the Code of Criminal Procedure for publication of proclamation are mandatory and that proper services of warrants and notices are a *sine qua non* before initiating the proclamation proceedings

5. Notice of motion.

6. Ms. Gagandeep Kaur, DAG, Punjab accepts notice on behalf of the respondent-State and waives service. Although, she opposes the present petition, however, the factual assertions made therein are not disputed.

7. I have heard learned counsel for the parties and have perused the material available on record.

8. Perusal of the record as well as the copies of the *zimni* orders passed by the learned trial Court reveals that the notices issued to the petitioner were received back unserved and the learned trial Court ordered for issuance of proclamation against him on 20.12.2025. A bare perusal of this order would show that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that the petitioner has been absconding or concealing himself so that the warrant of arrest, previously issued, could not be executed, despite reasonable diligence. Failure to record such satisfaction, vitiates the entire process.

9. It is well settled that no person can be declared a proclaimed offender/person unless the procedure prescribed under Section 82 of the Code of Criminal Procedure is strictly and meticulously adhere to. Before issuing a proclamation requiring a person to appear, the Court must be *prima facie* satisfied that the person has absconded or is concealing himself so that the warrant of arrest, previously issued, cannot be executed.

10. In the facts of the instant case, the material available on record does not reflect the adherence to the strict procedure set out under Section 82 of the Code of Criminal Procedure. The predominant requirement for invocation of provision of Section 82 of the Code of Criminal Procedure is clearly lacking in the present case. The claim of the petitioner that he was never served with any warrants before issuance of proclamation, stands fortified upon perusal of the *zimni* orders placed on record. Furthermore, the matter already stands compromised between the parties and the petitioner is

ready and willing to surrender and face the trial.

11. Keeping in view the entirety of facts and circumstances, the present petition is *allowed* and the impugned orders dated 20.12.2025 (Annexure P-1) and 02.05.2026 (Annexure P-2) are set aside subject to the condition that the petitioner shall surrender before the learned trial Court within two weeks from today. Upon doing so, he shall be released on bail on furnishing the requisite bail and surety bonds to the satisfaction of the Court concerned and subject to payment of Rs. 15,000/- as costs, which shall be deposited with the District Legal Services Authority.
12. Pending application(s), if any, stand(s) disposed of.

10.06.2026

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(ROHIT KAPOOR)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No