

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

2026:PHHC:058266



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CRM-M-53391-2024 (O&M)
Date of decision: 17.04.2026

Gautam Kumar @ Tannu**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Neeraj Yadav, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

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 18.11.2022 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Sonapat in case arising out of FIR No. 0145 dated 16.03.2020, registered under Sections 506, 341 and 294 of IPC at Police Station Civil Lines, Sonapat, 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 the aforementioned case. The petitioner was not aware about the registration of the FIR against him. He was never served with any notice/warrants issued by the learned trial Court at his ordinary place of residence. The petitioner had been declared a proclaimed person 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 Deputy Advocate General, Haryana, who has advance notice of the petition and is ready to argue the matter, 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.

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 material placed on record, it is revealed from the statement of the serving police official 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 82 (2)(i) of the Cr.P.C. 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 Vs. The State of W.B. : 1973 CriLJ 1368.***

7. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authority, the present

petition is allowed and the impugned order dated 18.11.2022 (Annexure P-3), passed by the Court of learned Judicial Magistrate First Class, Sonapat in case arising out of FIR No. 0145 dated 16.03.2020, registered under Sections 506, 341 and 294 of IPC at Police Station Civil Lines, Sonapat, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

8. However, the petitioner is directed to surrender before the Court concerned within a period of four weeks, subject to order for grant of anticipatory bail, if any passed on his petition to be filed under Section 482 of BNSS. In the absence of any order for grant of anticipatory bail and on such surrender, the petitioner shall be liable to be remanded to judicial custody subject to any order for grant of regular bail to be passed by the concerned Court in accordance with law.

9. Needless to observe that in case any application is filed before the concerned Court for grant of regular bail, then the concerned Court shall be bound to dispose of the same expeditiously and that nothing in this order shall be treated as expression of any opinion on merits so as to bind or influence the concerned Court in disposal of the same.

10. Till the appearance of the petitioner before the trial Court, his arrest shall remain stayed.

11. In case, the petitioner fails to surrender before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

17.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No