



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

321

CRM-M-55704-2025 (O&M)  
Date of decision: 19.03.2026

SAZID ALIAS SAJID

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present : Mr. Vipul Joshi, Advocate,  
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

**AMAN CHAUDHARY, J. (ORAL)**

1. The present petition has been filed under Section 528 of BNSS read with Section 482 Cr.P.C., for quashing the order dated 10.02.2025, Annexure P-8, passed by learned Judicial Magistrate Ist Class, Sub Division, Bilaspur, whereby the petitioner has been declared as proclaimed offender in NACT-619 of 209, as also FIR No.200 dated 06.09.2025, registered under Section 209 of BNS, 2023, at Police Station Chhachhrauli, District Yamuna Nagar.

2. Learned counsel submits that the petitioner could not appear in the aforesaid complaint filed under Section 138 NI Act, on account of the address therein being incorrect, for which reference is made to the order dated 29.10.2024 whereby the complainant was directed to file correct address within 7 days as



bailable warrants had been received back unexecuted with the report that he is not residing at the given address, however, the warrants were again issued at the same address, as reflected in the order dated 12.12.2024, regarding which the report remained the same as having not been executed, reference is made to Annexure P-7, on the strength of which he was declared a proclaimed offender, vide impugned order dated 10.02.2025. As such, he could not be said to be absconding or evading the process and the provisions of Section 82 Cr.P.C. were not complied with in letter and spirit. Thereafter, the FIR in question was wrongly registered on 06.09.2025. He is ready and willing to join the proceedings and prays that one last opportunity may be granted to him to surrender before the trial Court, in wake of which prays for quashing the FIR as well.

3. Learned State counsel submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause and the FIR was rightly registered against him.

4. No order prejudicial to the rights of respondent No.2 is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon her.

5. Heard.

6. In **Gurbir Singh Mundi vs. State of Punjab and another**, CRM-M-49283-2021, decided on 16.12.2021, it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as



proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

7. In **Sonu vs. State of Haryana**, 2021 (1) RCR (Crl.) 319, it was held that any non-compliance in the procedure prescribed in declaring a proclaimed person, cannot be treated as an irregularity but the same renders such proceedings a nullity.

8. This Court in **Satish Chouhan vs. State of Punjab & Anr.**, CRM-M-3795-2023, decided on 10.02.2023, held that the proclamation served at the old address, when the accused had already sold his house long before the process was issued and had shifted elsewhere, could not be treated as due service and the mandatory provisions of Section 82 Cr.P.C. were not complied with. On those facts, the order declaring the petitioner therein as a proclaimed offender was quashed.

9. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

10. Pertinently, the absence of the petitioner was not deliberate and he cannot be said to be absconding or evading the execution of the proclamation, as the same was pasted at a wrong address. Considering the aforesaid in light of the judgments referred to above being applicable to the instant case, coupled with his readiness and willingness to surrender and join the proceedings, this Court finds that the ends of justice would be adequately met in case one opportunity is granted



to the petitioner to surrender, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help in expediting the trial.

11. Once the order declaring the petitioner as proclaimed person, is vitiated due to non-compliance with Section 82 in its true intent and purpose, continuation of the proceedings in the FIR in question would amount to an abuse of the process of the Court, as the petitioner was not a wilful absconder, thus, the FIR under Section 174-A IPC is also liable to be quashed, in exercise of power under Section 528 BNSS.

12. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 10.02.2025, Annexure P-8, and FIR No.200 dated 06.09.2025, registered under Section 209 of BNS, 2023, at Police Station Chhachhrauli, District Yamuna Nagar, are hereby quashed.

13. The petitioner is directed to surrender before the trial Court on or before 05.04.2026 and on doing so, he shall be released on bail subject to its satisfaction and payment of costs of Rs.10,000/- to respondent No.2. On furnishing bail/surety bonds, he is also directed to furnish undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

14. The petition is disposed of.



15. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

19.03.2026  
parveen kumar

(AMAN CHAUDHARY)  
JUDGE

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No