

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

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2026.PHHC.077204



CRM-M-72574-2025 (O&M)

Date of decision: 18.05.2026

Vikas Sharma**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ranjodh Singh, Advocate
for the applicant-petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

Mr. Pranav Handa, Advocate
for respondent No.2/complainant.

MANISHA BATRA, J. (Oral)**1. CRM-13750-2026**

Allowed as prayed for, subject to all just exceptions.

2. CRM-M-72574-2025 (O&M)

The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 04.04.2025 (Annexure P-4), passed by the Court of learned Sub Divisional Judicial Magistrate, Khadur Sahib in Criminal Complaint bearing No. NACT-54-2023, titled as *Sharanjit Kaur v. Vikas Sharma*, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby the petitioner had been declared a proclaimed person.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in the aforesaid case. He could not appear before the learned trial Court as he was in custody in connection with some other case. More so, he was never served with any notice/warrants issued by the learned trial Court. He had been declared a proclaimed person without following the proper procedure prescribed under Section 84 of BNSS. He is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

4. *Per contra*, learned Senior Deputy Advocate General, Punjab, assisted by learned counsel for respondent No.2/complainant, 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 orders passed by the learned trial Court from the date of initiating proceedings under Section 84 of BNSS as against the petitioner till the date of declaring him a proclaimed person, this Court is of the considered opinion that the impugned order dated 04.04.2025 suffers from some 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 14.01.2025, 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 20.02.2025. A bare perusal of this order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that that the petitioner 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 v. State of Delhi : 2008 Crl. J. 2561.***

8. Further, a perusal of the statement of the serving police official reveals 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 84 (2) of BNSS 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 BNSS 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 v. The State of W.B. : 1973 CriLJ 1368.***

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 04.04.2025 (Annexure P-4),

passed by the Court of learned Sub Divisional Judicial Magistrate, Khadur in Criminal Complaint bearing No. NACT-54-2023, titled as ***Sharanjit Kaur v. Vikas Sharma***, filed under Section 138 of the N. I. Act, whereby the petitioner had been declared a proclaimed person, 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, he is directed to surrender before the learned trial Court within a period of 15 days from today and on doing so, the learned trial Court shall release him on bail, subject to his furnishing 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. 30,000/-, to be deposited by the petitioner with the learned trial Court, which shall be disbursed to respondent No. 2/complainant on his appearance.

18.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No