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

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Bikramjit Singh alias Bikka

...Petitioner

V/s

State of Punjab and another

...Respondent

Date of decision: 21.04.2026**Date of Uploading : 22.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Ms. Sushma Suman, Legal Aid Counsel for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 528 of the BNSS, 2023, seeking quashing of the impugned order dated 22.09.2025 (Annexure P-2) passed by the JMIC, Nakodar whereby the petitioner has been declared as proclaimed offender, in case FIR No.109 dated 19.05.2020, registered for commission of offences punishable under Sections 304-A, 279, 427 of IPC, at Police Station Shahkot, District Jalandhar and all subsequent proceedings arising therefrom against the petitioner.

2. Learned counsel for the petitioner has contended that the impugned order, whereby the petitioner has been declared a proclaimed offender, is wholly illegal, arbitrary, and unsustainable in the eyes of law as the absence of the petitioner before the Court below was neither intentional nor deliberate. Learned counsel has further iterated that the petitioner has been regularly appearing before the Court below after filing of the challan and was



on bail. However, in the last week of July, 2025, the petitioner has suffered a serious injury on his left thigh which incapacitated him from attending the Court proceedings on 28.07.2025. According to learned counsel, on account of the said medical condition and trauma, the petitioner has neither appear before the Court nor inform his counsel. It has been further contended that the Court below, without properly appreciating the attendant circumstances, cancelled the bail bonds and issued non-bailable warrants, followed by initiation of proclamation proceedings. It has been further contended that the mandatory provisions governing proclamation have not been complied with in their true letter spirit, the petitioner was declared a Proclaimed Offender in a mechanical manner. It has further been contended that immediately upon gaining knowledge of the said order, the petitioner approached the competent Court by filing an anticipatory bail application which came to be dismissed solely on account of his declaration as a Proclaimed Offender thereby reflecting his *bona fide* intention to join the proceedings. It has also been submitted that the order declaring the petitioner a proclaimed offender is in gross violation of law and principles of natural justice as there was no deliberate evasion or non-appearance on the part of the petitioner. On the basis of these submissions, learned counsel has prayed that the impugned order is liable to be set-aside being illegal and unjustified and hence liable to be set-aside.

3. On the other hand, learned State counsel, while referring to reply by way of an affidavit dated 17.01.2026, has opposed the present petition. Learned State counsel has iterated that during the course of trial, the petitioner did not appear before the Court below and vide order dated 29.07.2025 passed by the Court below, the bail granted to the petitioner was cancelled and issued

NBW against the petitioner for 07.08.2025. Furthermore, the petitioner



remained absent from the proceedings despite issuance of non-bailable warrants and thereafter proclamation was issued for 19.09.2025. It has been further contended that sufficient opportunities have been granted to the petitioner to appear before the Court below but he failed to do so leaving the Court with no option but to initiate proclamation proceedings. It has further contended that once the petitioner was declared a Proclaimed Offender, the impugned order does not warrant interference.

3.1. Learned counsel for the respondent No.2 has vehemently opposed the grant of petition in hand by arguing that allegations against the petitioner are serious in nature. Learned counsel has argued that the petitioner, intentionally, did not cause appearance before the Court below. Learned counsel has further argued that the proclamation was issued and duly effected upon the petitioner clearly in terms of provisions of Section 82 of the Cr. P.C. and, thus, the impugned order cannot be said to be illegal, arbitrary, and unsustainable in the eyes of law. On the strength of these submissions, dismissal of the petition in hand is prayed for.

4. I have heard the learned counsel for the rival parties and carefully perused the record of the case.

5. The law 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, 1973 is strictly and meticulously adhered to. It is trite that the provisions of Section 82 Cr.P.C. are mandatory in nature, and any non-compliance thereof vitiates the entire proceedings. It is not in dispute that the petitioner had initially joined the proceedings and was on bail. The record further reflects that his absence commenced from 28.07.2025

onwards. The explanation furnished by the petitioner is that he had suffered an



injury, which is sought to be substantiated by a medical certificate placed on record. This Court finds that the said explanation cannot be brushed aside lightly particularly when there is nothing on record to suggest that the petitioner had been habitually absenting himself from the proceedings prior to the said date.

6. This Court finds the course adopted by the Court below is antithesis to the provisions of Section 82 of the Code of Criminal Procedure, 1973. The Court below has committed illegality by issuing the said proclamation under Section 82 of the Criminal Procedure Code, 1973, without complying the mandatory requirements of law. The learned Court below, while declaring the petitioner as proclaimed person, failed to satisfy itself regarding due execution of proclamation and proceeded in a mechanical manner. Such an order being violative of mandatory provisions of law, cannot be sustained. Section 82 of the Criminal Procedure Code, 1973 reads as under:

“82. Proclamation for person absconding. - (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows: -

(i)(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;

(c) a copy thereof shall be affixed to some conspicuous part of the court-house;



(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this Section have been complied with, and that the proclamation was published on such day.

[(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under Sections 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459, or 460 of the Indian Penal Code (45 of 1860), and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).]

7. A Coordinate Bench of this Court while dealing with invocation of the provision of Section 82 of the Code of Criminal Procedure, against an accused in the case of '***Sonu v. State of Haryana, 2021(1) RCR (Criminal) 319***', held as under:

"9. The essential requirements of section 82 of the Cr.P.C., 1973 for issuance and publication of proclamation against an absconder and declaring him as proclaimed person/offender may be summarized as under:-

(i) Prior issuance of warrant of arrest by the Court is sine qua non for issuance and publication of the proclamation and the Court has to first issue warrant of arrest against the person concerned. (See Rohit Kumar v. State of Delhi: 2008 CrI. J. 2561).

(ii) There must be a report before the Court that the person against whom warrant was issued had absconded or had been concealing himself so that the warrant of arrest could not be executed against him. However, the Court is not bound to take evidence in this regard before issuing a Proclamation under section 82(1) of the Cr.P.C., 1973. (See Rohit Kumar v. State of Delhi : 2008 CrI. J. 2561).



(iii) *The Court cannot issue the Proclamation as a matter of course because the Police is asking for it. 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, despite reasonable diligence. (See Bishundayal Mahton and others v. Emperor : AIR 1943 Patna 366 and Devender Singh Negi v. State of U.P. : 1994 CrL LJ (Allahabad HC) 1783).*

(iv) *The requisite date and place for appearance must be specified in the proclamation requiring such person to appear on such date at the specified place. Such date must not be less than 30 clear days from the date of issuance and publication of the proclamation. (See Gurappa Gugal and others v. State of Mysore : 1969 CriLJ 826 and Shokat Ali v. State of Haryana : 2020(2) RCR (CRIMINAL) 339).*

(v) *Where the period between issuance and publication of the proclamation and the specified date of hearing is less than thirty days, the accused cannot be declared a proclaimed person/offender and the proclamation has to be issued and published again. (See Dilbagh Singh v. State of Punjab (P&H) : 2015 (8) RCR (CRIMINAL) 166 and Ashok Kumar v. State of Haryana and another : 2013 (4) RCR (CRIMINAL) 550)*

(vi) *The Proclamation has to be published in the manner laid down in section 82(2) of the Cr.P.C., 1973. 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., 1973 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. (See Pawan Kumar Gupta v. The State of W.B. : 1973 CriLJ 1368). Where the Court so orders a copy of the proclamation has to be additionally published in a daily newspaper circulating in the place in which the accused ordinarily resides. Advisably, proclamation has to be issued with four copies so that one each of the three copies of the proclamation may be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides, to some conspicuous place of such town or village and to some conspicuous part of the Courthouse and report regarding publication may be made on the fourth copy of the proclamation.*



Additional copy will be required where the proclamation is also required to be published in the newspaper.

(vii) Statement of the serving officer has to be recorded by the Court as to the date and mode of publication of the proclamation. (See Birad Dan v. State: 1958 CriLJ 965).

(viii) The Court issuing the proclamation has to make a statement in writing in its order that the proclamation was duly published on a specified day in a manner specified in section 82(2)(i) of the Cr.P.C., 1973. Such statement in writing by the Court is declared to be conclusive evidence that the requirements of Section 82 have been complied with and that the proclamation was published on such day. (See Birad Dan v. State: 1958 CriLJ 965).

(xi) The conditions specified in section 82(2) of the Cr.P.C., 1973 for the publication of a Proclamation against an absconder are mandatory. Any non-compliance therewith cannot be cured as an 'irregularity' and renders the Proclamation and proceedings subsequent thereto a nullity. (See Devendra Singh Negi alias Debu v. State of U.P. and another: 1994 CriLJ 1783 and Pal Singh v. The State: 1955 CriLJ 318)."

8. It is pertinent to mention that the power to declare an accused as a Proclaimed Offender is a serious one carrying grave civil consequences. However, such power is required to be exercised with due caution and only when the Court is satisfied that the accused has deliberately and willfully evaded the process of law. In the present case, the sequence of events indicates that the absence of the petitioner was triggered by a medical condition and there is no material to establish intentional evasion from the process of law. This Court also finds substance in the contention of the petitioner that immediately upon acquiring knowledge of the impugned order, he took steps by approaching the Sessions Court, which reflects his bona fides. The object of proclamation proceedings is to secure the presence of the accused and not to penalize him for circumstances beyond his control. A perusal of the impugned order dated 22.09.2025 reveals that no such satisfaction was



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recorded by the Court below, nor was there any material to justify the inference that the petitioner had absconded or was deliberately avoiding arrest.

9. Hence, no useful purpose would be served by keeping the criminal proceedings pending against the petitioner, particularly when the petitioner has already joined the investigation and duly cooperated. It is, therefore, an appropriate case for the exercise of powers under Section 528 of BNSS/Section 482 of Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the FIR *ibid* against the petitioner.

10. In view of the above findings, in the entirety of facts and circumstances of the present case, the present petition is allowed and the order dated 22.09.2025 (Annexure P-2) passed by the JMIC, Nakodar whereby the petitioner has been declared as proclaimed offender, in case FIR No.109 dated 19.05.2020, registered for commission of offences punishable under Sections 304-A, 279, 427 of IPC, at Police Station Shahkot, District Jalandhar and all subsequent proceedings arising therefrom *qua* the petitioner are quashed.

11. Pending application(s), if any, shall also stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

April 21, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No