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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3532/2026**

AZAD SHEKH

.....Petitioner

Through: Mr. Samama Suhail, Mr. Osama
Suhail, Mr. Dilshad Ali, Advs.

versus

**GOVERNMENT OF NCT OF DELHI THROUGH SHO PS
SAFDURJUNG ENCLAVE**

.....Respondent

Through: Mr. Tarang Srivastava, APP
SI Mahesh Rawat, PS Safdarjung
Enclave

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.05.2026

CRL.M.A. 14374/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3532/2026 & CRL.M.A. 14373/2026 (stay)

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner assails an order of the Magistrate's Court, District South, Saket, dated 29.04.2025, by which he has been declared a proclaimed offender in proceedings arising out of FIR No. 343/2019 dated 30.12.2019, registered under Section 420 of the Indian Penal Code, 1860, at Police Station Safdarjung Enclave.

2. Issue notice. Mr. Tarang Srivastava, learned Additional Public



Prosecutor, accepts notice on behalf of the State.

3. Mr. Samama Suhail, learned counsel for the petitioner, submits that Non-Bailable Warrants [“NBWs”] were issued against the petitioner by the order of the learned Magistrate dated 10.10.2022, returnable on 25.10.2022. The Investigating Officer [“IO”] thereafter reported that the NBWs remained unexecuted and sought issuance of notice under Section 82 of the Code of Criminal Procedure, 1973 [“Cr.P.C.”]. By order dated 03.03.2025, the learned Magistrate observed that the accused appeared to be concealing himself and directed issuance of process under Section 82 of the Cr.P.C. *“to be executed through all modes including publication, and be executed by IO in person.”* The report was directed to be filed on 29.04.2025. The learned Magistrate thereafter passed an order dated 03.03.2025 directing that the *“process be executed through all modes including publication in one local newspaper in Jharkhand State and one national newspaper in Hindi and English.”* It is the contention of Mr. Suhail that, contrary to the said direction, publication was in fact made only in two local newspapers in the State of Jharkhand, namely “Morning India” in English and “Pakur Prabhat” in Hindi. He has drawn my attention to the statement of the process server recorded before the learned Magistrate on 29.04.2025. Despite the fact that publication in a national newspaper was not effected, the learned Magistrate, by the impugned order, declared the petitioner a proclaimed offender.

4. It is further submitted that even after the issuance of NBWs, notices under Section 41A of the Cr.P.C. were issued to the petitioner and received by him, including notice dated 10.02.2024 (Annexure P-5 of the petition), but no fresh steps were taken thereafter for the issuance of



Bailable Warrants or NBWs prior to declaring the petitioner a proclaimed offender.

5. Mr. Srivastava, at this stage, upon instructions from the IO, does not dispute that publication was effected only in “Morning India” and “Pakur Prabhat” in the State of Jharkhand, and not in any national newspaper.

6. Having regard to the *prima facie* case recorded above, the order dated 29.04.2025 shall remain stayed, subject to the undertaking of Mr. Suhail that the petitioner will join the investigation on 09.05.2026 at 04:00 PM, and thereafter as and when required by the IO.

7. The petition, alongwith the pending applications, is accordingly disposed of.

8. The order be given *Dasti* under the signature of Court Master.

PRATEEK JALAN, J

MAY 7, 2026

Tg/JM/