CNR No: PHHC011287682026
2026:PHHC:128496



138

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43240-2026 (O&M)
Date of decision 10.09.2026

RAJU

..... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SHALINI SINGH NAGPAL J.

*****

1. Petitioner Raju, accused in criminal case arising out of FIR No.122 dated 06.06.2021 under Sections 13(2) Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 279, 336 Indian Penal Code, Section 196 Motor Vehicle Act and Section 11 Prevention of Cruelty to Animals Act, Police Station Bahu Akbarpur, District Rohtak, has filed this petition under Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023 for quashing orders dated 13.09.2024 and 22.07.2025 of learned Judicial Magistrate Ist Class, Rohtak, declaring him “proclaimed person”.

2. Learned counsel for the petitioner submits that petitioner was granted regular bail on 16.06.2021 in the aforementioned FIR and had been participating in the proceedings. When petitioner failed to appear, learned trial Court issued notice which was returned unserved for want of correct address. The Court then adopted coercive measures. Petitioner’s bail was wrongly cancelled and proceedings under Section 82 Cr.P.C./84 BNSS were

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document

initiated. There was no compliance of mandatory provisions of Section 84(2)(i)(a) Cr.P.C. as the statement of Executing Constable was silent regarding public reading of the proclamation in the village where petitioner ordinarily resided. Thus, order dated 22.07.2025 of learned, JMIC, Rohtak declaring the petitioner a 'proclaimed person' deserved to be set aside.

3. Notice of Motion.

4. Mr. Vikas Bhardwaj, AAG, Haryana, accepts notice on behalf of respondent-State. He submits that despite publication of the proclamation, petitioner failed to appear before learned JMIC, Rohtak and was rightly declared proclaimed person. Supporting the order of learned trial Court dated 22.07.2025, he prayed for dismissal of the petition.

5. Section 82 Cr.P.C. which provides for publication of proclamation against a person absconding is reproduced hereunder for the facility of reference:-

> *—(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;*

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document

(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. 50 1

[(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under section 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).]

6. Record shows that on 13.09.2024, when Court notice issued to the petitioner was received back unserved, his bail was cancelled and surety bonds were forfeited. Non-bailable warrants were issued to procure his presence for 17.02.2025. Later, on 17.02.2025 when the non-bailable

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document

warrants were received back unexecuted, the Court issued proclamation under Section 82 Cr.P.C. for 22.07.2025 specifying the manner in which proclamation shall be published on or before 30.04.2025 as follows:-

> *"(a) It shall be publicly read in some conspicuous place of the town or village in which the above named accused ordinarily resides;*
>
> *(b) It shall be affixed to some conspicuous part of the house of homestead in which said accused 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."*

7. Statement of Executing Constable EHC Ajay, who published the proclamation on 21.04.2025 is reproduced hereunder:-

> *"Stated that I had gone to the house of the accused Raju son of Karnail Singh, resident of Village Uday Karan, District Sri Muktsar Sahib, Punjab, on 21.04.2025 carrying a proclamation. The accused was not found present at his house. I affixed one copy of the proclamation at the given address, another copy at a public place, and the third copy on the Notice Board of the Court. Thereafter, I submit one copy of the proclamation along with my report before the Hon'ble Court."*

8. As per Section 82(2)(i)(a) Cr.P.C., notice of proclamation is to be publicly read in some conspicuous place of the town or village in which such person ordinarily resides. It also required to be affixed in some conspicuous part of the house or homestead in which such person ordinarily

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document

resides or to some conspicuous place of such town or village besides affixation on the Court-house.

9. It is evident from the statement of Executing Constable that the proclamation was not publicly read over in some place of town or village where petitioner resided. The three sub-clauses (a)-(c) in Section 82(2)(i) 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. All three sub-clauses are mandatory and any violation whereof entails quashing of the order declaring an accused, a proclaimed person/offender. On this sole ground, impugned order dated 13.09.2021 is vitiated.

10. Consequently, impugned order of learned Judicial Magistrate Ist Class, Rohtak dated 22.07.2025 declaring the petitioner a "proclaimed person" cannot be sustained in law and is hereby set aside and quashed, subject to payment of costs of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of 15 days from today. Petitioner is directed to surrender before learned Judicial Magistrate Ist Class, Rohtak within a period of 15 days from today and move an application for regular bail which learned trial Court shall decide expeditiously, uninfluenced by the observations made in this order.

11. It is, however, clarified that in case petitioner fails to appear before learned trial Court within the stipulated time or fails to deposit costs, the petition shall be deemed to be dismissed.

12. The petition is allowed, on the terms above.

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document

13. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

10.09.2026
Sumit Singla

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

SUMIT SINGLA
2026.09.11 15:37
I agree to specified portions
of this document