



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

**CRM-M-63850-2025 (O&M)
DECIDED ON: 13.05.2026**

ARJAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. PPS Tung, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. This petition has been filed under Section 528 BNSS for setting aside the impugned order dated 15.09.2025 (Annexure- P/1) passed by Additional Sessions Judge, Special Court, SAS Nagar, Mohali, whereby the petitioner was declared "Proclaimed Person" in case FIR no.100 dated 12.04.2019 under Section 22 of the NDPS Act registered at P.S City Kharar District SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner was never intentionally absent from the proceedings and had regularly appeared before the learned Trial Court after grant of bail. It is submitted that due to serious medical ailments, including a paralysis attack, the petitioner was unable to appear before the Court. It is further contended that the petitioner is a permanent resident of Ludhiana and no proclamation was ever affixed at his residence. Learned counsel submits that the mandatory



provisions of Section 82 Cr.P.C. were not complied with, as the proclamation was never publicly read in some conspicuous place of the town or village. Consequently, the proceedings declaring the petitioner as a proclaimed person are stated to be vitiated. He submits that the petitioner is willing to surrender before the learned trial Court and participate in the trial proceedings. Accordingly, prayer has been made for setting aside the impugned order. The petitioner further undertakes to appear before the learned trial Court on each and every date of hearing.

3. Notice of motion.

4. On the asking of the Court, Mr. Sahil Chowdhary, AAG, Punjab accepts notice on behalf of the respondent-State and submits that the petitioner was rightly declared a proclaimed person owing to his continued non-appearance before the learned trial Court despite due process having been followed. It is contended that the impugned order has been passed strictly in accordance with law and does not suffer from any illegality or infirmity. Accordingly, prayer has been made for dismissal of the present petition.

5. I have heard learned counsel for the parties and gone through the case file.

6. A perusal of the statement of serving official (Annexure P-8) reveals that the proclamation was never publicly read in some conspicuous place of the town or village.

7. Regarding violation of mandatory provisions of Section 82 Cr.P.C. as alleged, this Court is of the considered view that the Proclamation has to be published in the manner laid down in Section [82\(2\)](#) of the Cr.P.C. 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.

8. A co-ordinate Bench of this *Court* in **CRM-M-14209-2021 titled "Anita Sharma v. State of Punjab "**, date of decision 26.03.2021, has summarized the essential requirements of Section [82](#) Cr.P.C. 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 CrL 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.. (See **Rohit Kumar v. State of Delhi:2008CrL 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 an publication of the proclamation. (See **GurappaGugal 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&II): 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. 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 subclauses (a)-(c) in Section 82 (2)(i) of the 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. (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 **Court**-house 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.. 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. 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**)".*

9. Keeping in view the submissions made by learned counsel for the parties and considering the fact that the petitioner is not medically fit and has suffered various ailments after a paralysis attack, due to which he is unable to walk properly, coupled with the fact that he has expressed his willingness to appear before the learned trial Court and participate in the proceedings, this Court is of the considered opinion that no useful purpose would be served by allowing the impugned order to continue to operate, particularly when the presence of the petitioner can adequately be secured by imposing appropriate conditions.



10. Further, the object of declaring an accused a proclaimed person is primarily to secure his presence before the Court and not to punish him. Since the petitioner has undertaken to appear before the learned trial Court on each and every date of hearing and not to seek unnecessary adjournments or exemption from appearance, this Court deems it appropriate to afford him one opportunity to join the proceedings.

11. Considering the totality of circumstances, this Court is of the view that the petitioner can be directed to appear before the trial Court, so that trial may resume. Accordingly, plea of the petitioner is accepted. Impugned order dated 15.09.2025 is set aside to the extent of declaring the petitioner as 'proclaimed person' and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court/Duty Magistrate concerned within a period of two weeks from today, subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh.

12. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate. Besides, petitioner will also submit an undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct.

13. It is made clear that in case, petitioner fails to appear before the trial Court/Duty Magistrate within a stipulated period, this order shall be deemed to be vacated.

14. With aforementioned terms, present petition stands disposed of.



15. All pending miscellaneous application(s), if any, stands disposed of.

13.05.2026

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No