

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

134

CRM-M-54488-2025

Date of Decision: 25.9.2025

Jai Karan

...Petitioner.

v.

State of Haryana and another

...Respondents.

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY.**

Present: Dr. Anand K. Bishnoi, Advocate for the petitioner.

Mr. Vikram Singh, Senior Deputy Advocate General, Haryana.

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**AARADHNA SAWHNEY, J. (Oral)**

1. Petitioner has filed the present petition under Section 583 of BNSS for quashing of impugned order dated 8.5.2025 (Annexure P-1) passed by the learned Judicial Magistrate Ist Class, Panchkula in complaint case No. NACT-412 of 2022 dated 18.5.2022, titled as 'Shubham Verma v. Jai Karan' vide which he was declared a 'Proclaimed Person'.

2. The facts, in brief, are that respondent No.2 filed a complaint bearing No. NACT 412 of 2022, under Section 138 of the Negotiable Instruments Act (in short "the NI Act") against the petitioner. The trial Court vide order dated 30.7.2022 (Annexure P-3) summoned the petitioner. The said summons were received back with the report that he is not found at the given address, however, summons were affixed at the address. Thereafter,ailable warrants were issued for 4.9.2023. On the said day,



bailable warrants were received back unexecuted with the report that the house was locked. The learned trial Court did not proceed in a hasty manner and issued fresh bailable warrants for 6.6.2024. Importantly enough, on 6.6.2024, as stands recorded in the order sheet (Annexure P-6), bailable warrants were received back with the report that the premises were locked and the neighbourers told the executing Constable that the petitioner had gone to his village with his family. It is in this order dated 6.6.2024 that the learned Judicial Magistrate Ist Class, Panchkula expressed her opinion for the first time that the petitioner despite being aware of the proceedings is intentionally avoiding to appear in the Court. Only thereafter, the learned Magistrate issued warrants of arrest to secure the presence of the petitioner for 27.1.2025 and further made it clear that the executing police official shall appear in the Court in case of non-execution of non-bailable warrants. On 27.1.2025, **warrants of arrest were received back unexecuted with the report that wife of petitioner has been intimidated.** The entire facts were summarized by the learned Magistrate in the order dated 27.1.2025 (Annexure P-7) and only thereafter, she initiated proclamation proceedings. After recording statement of executing constable and lapse of mandatory period of 30 days, the trial Court vide impugned order dated 8.5.2025 (Annexure P-1) declared the petitioner as a proclaimed person.

3. Learned counsel for the petitioner submits that the issuance of proclamation under Section 82 of the Code of Criminal Procedure is illegal and unwarranted, as there was no proper service of summons or warrants prior to the issuance of the proclamation. Learned counsel further submits that the petitioner was not aware of pending Court proceedings against him



and the mandatory procedure as prescribed u/s 82 Cr.PC was not followed by the learned trial Court.

4. I have heard learned counsel for the petitioner and have perused the documents on record.

5. Copies of interim orders appended along with petition have been perused. It is apparent that learned Magistrate did not hastily proceed in the matter. Only after repeated bailable warrants were issued and were received back unexecuted with the report that house was locked and the villagers intimated that petitioner has gone to his native village, non-bailable warrants were issued vide order dated 06.06.2024. In fact, on 06.06.2024, the warrants of arrest were received back with the report that wife of the petitioner has been intimated. Learned Magistrate recorded her finding based on the material produced before her that presence of petitioner cannot be procured through ordinary process and thereafter, proceeded to initiate proclamation proceedings.

6. It is settled law that power under Section 583 of BNSS should be exercised sparingly and in the rarest of rare cases. The petitioner has not been able to demonstrate any procedural illegality or perversity in the issuance of the proclamation. The proclamation appears to have been issued in accordance with law and after due satisfaction of the learned Magistrate regarding the petitioner's absconding.

7. In view of the above, finding on merit in the instant petition, the same is hereby dismissed.

8. However, it is made clear that if the petitioner surrenders before the concerned trial Court and moves an appropriate application for grant of



regular bail, the same may be considered on its own merits, in accordance with law.

25.09.2025  
gbs

**(AARADHNA SAWHNEY)**  
**JUDGE**

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No