



CRM-M-48038-2025 (O&M)

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

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Date of decision : 25.09.2025

Nisha Viridi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (Oral)

1. By invoking the jurisdiction vested in this Court by virtue of Section 482 of the Code of Criminal Procedure, hereinafter being referred to as 'CrPC', the quashing of order dated 02.07.2022, hereinafter being referred to as 'impugned order', passed by the learned Additional Sessions Judge Jalandhar, hereinafter being referred to as 'trial Court', in a trial pertaining to FIR No.79 dated 24.06.2019, Police Station Navi Baradari, District Jalandhar, has been sought. The abovementioned FIR has been lodged for the commission of offence punishable under Sections 379-B, 411 and 34 of Indian Penal Code, hereinafter referred to as 'IPC'. The present petition has been filed on the ground the manner in which proceedings were conducted by the learned trial Court, for declaring the petitioner as a proclaimed offender, is illegal.

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2. Notice of motion.
3. Mr. Eklavya Darshi, Deputy Advocate General, Punjab appears on behalf of respondent-State, and waives service. However, he has not opted to file formal reply.
4. Heard.
5. It has been contended on behalf of the petitioner that from the date of pasting of proclamation, clear 30 days were not afforded to the petitioner, and that subsequently, without issuing fresh proclamation, the case was adjourned to 26.05.2022. According to learned counsel for the petitioner, the abovementioned procedure adopted by the learned trial Court is not in consonance with the relevant law, and thus, the impugned order is not sustainable.
6. *Per contra*, learned State Counsel, while defending the impugned order, has argued that sufficient time was afforded to the petitioner, and that the petitioner, who is guilty of violation of terms & conditions of bail is not entitled to challenge the order, whereby she was declared proclaimed offender.
7. The record has been perused carefully.
8. A perusal of record shows that the petitioner was afforded the benefit of bail, and on furnishing bonds she was duly released, but later on, she jumped the bail. In such circumstances, her bail was cancelled and warrant of arrest was issued against her by the learned trial Court. However,

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when warrant of arrest could not be executed, the proclamation was ordered to be issued by virtue of order dated 21.04.2022. This proclamation was issued for 26.05.2022. A perusal of the order dated 26.05.2022 shows that on that day, it was observed by the learned trial Court that the proclamation had been affixed on 16.05.2022 only, and thus, the statutory period of 30 days from the date of affixation of proclamation had not elapsed. In the abovementioned circumstances, the learned trial Court adjourned the case to 02.07.2022, and on that day, without issuing fresh proclamation, on the basis of proclamation issued on earlier date, the petitioner was declared proclaimed offender.

9. The abovementioned procedure adopted by the learned trial Court is patently in violation of statutory provisions for declaring the accused to be a proclaimed offender. Otherwise also, the Coordinate Bench of this Court in *CRM-M-26161-2024*, titled as '*Amandeep Singh vs State Of Punjab*' has held that a mandatory 30-day period must be afforded to the accused to appear after the proclamation. It has been further held that if the abovementioned requirement is not made, a fresh proclamation is required.

10. Since the proper procedure has not been adopted by the learned trial Court for declaring the petitioner to be a proclaimed offender, it is hereby observed that there is need for interference and indulgence of extraordinary jurisdiction of this Court in the impugned order.

11. Accordingly, by partly accepting the present petition, the impugned order, whereby the petitioner was declared proclaimed offender, is hereby set aside.

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12. It is however made clear that by virtue of this order, only the order, whereby the petitioner was declared proclaimed offender, is being set aside. However, in view of the fact that there is no defect in the order, whereby the bail of the petitioner was cancelled and warrant of arrest was issued, the abovementioned order is not interfered with. Thus, in case of surrender of petitioner before the learned trial Court, the learned trial Court in the exercise of its discretion shall be at liberty to take the petitioner in judicial custody or impose penalty under Section 491 of BNSS (erstwhile Section 446 of CrPC).

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 25, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No