

2025:PHHC:114021



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

137

CRM-M-46819-2025 (O&amp;M)

Date of decision: 27.08.2025

**Kulwinder Kaur @ Bitti****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Arora, Advocate  
for the petitioner.

Ms. Ramta Chowdhary, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of order dated 28.07.2025 (Annexure P-8), passed by the Court of learned Sessions Judge, Moga in case titled as ***State vs. Satnam Sintgh @ Nishan and others***, arising out of FIR No. 166 dated 20.11.2022, registered under Sections 323, 452, 427, 379-B, 506, 148 and 149 of IPC at Police Station Kot Ise Khan, District Moga, whereby the petitioner had been declared a proclaimed person.

2. The present petition has been filed by the petitioner on the grounds and it has been argued by her counsel that the petitioner has been falsely implicated in the aforementioned case. The petitioner was on bail and was regularly appearing before the learned trial Court. She moved an application for exemption from personal appearing on 14.01.2025. However, the said application was dismissed and her bail was cancelled and non-bailable warrants were issued against her for 28.01.2025. Subsequently, the

2025:PHHC:114021



petitioner could not appear before the Court as her daughter was having several health issues related to her pregnancy. It is further argued that the petitioner was never served with any notice/summons/warrants issued by the learned trial Court. More so, the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 of Cr.P.C. She is ready to join the Court proceedings. Hence, it is urged that the impugned order is liable to be set aside.

3. Notice of motion.

4. Learned Assistant Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has resisted the petition by submitting that there is no infirmity in the impugned order and the petitioner has rightly been declared a proclaimed person as she was running away from the process of Court. It is, thus, urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. On giving due deliberations to the contentions as raised by learned counsel for the parties and on an overall perusal of the orders passed by the learned trial Court from the date of initiating proceedings under Section 82 Cr.P.C. (*which is pari materia with Section 84 of BNSS*) as against the petitioner till the date of declaring her a proclaimed person, I am of the considered opinion that the impugned order dated 28.07.2025 suffers from material illegalities and is liable to be quashed with all the consequential proceedings arising therefrom.

2025:PHHC:114021



7. After going through the material placed on record as well as the copies of zimni orders passed by the learned trial Court, it is revealed that on 31.05.2025, since the previously issued proclamation was not properly executed by the serving police official, a fresh proclamation was ordered to be issued against the petitioner for 07.07.2025. A bare perusal of this order as well as the previous order shows that the learned trial Court before ordering for publication of proclamation has not recorded its proper satisfaction that that the petitioner had absconded or was concealing himself so that the warrant of arrest, previously issued, cannot be executed, despite reasonable diligence, which was in violation of the provisions of Section 82(1) of Cr.P.C. Reliance in this regard can be placed upon ***Rohit Kumar Vs. State of Delhi : 2008 Crl. J. 2561.***

8. Further, when the case was taken up on 07.07.2025, the proclamation was received back executed. However, since the mandatory period of 30 days had not elapsed, the case was adjourned to 28.07.2025. While adjourning the case to 28.07.2025 to complete the mandatory period of 30 days, the learned trial Court failed to consider the fact that it could not have extended the time by simply adjourning the case as a fresh proclamation was required to be published once the period between issuance of publication of proclamation and the specified period of hearing was less than 30 days. Reference in this context can be made to ***Dilbagh Singh Vs. State of Punjab (P&H) : 2015 (8) R.C.R. (criminal) 166.***

9. Accordingly, in view of the discussion as made above and also in view of the ratio of law as laid down in above cited authorities, the present petition is allowed and the impugned order dated 28.07.2025 (Annexure P-8),

2025:PHHC:114021



passed by the Court of learned Sessions Judge, Moga in case titled as ***State vs. Satnam Sintgh @ Nishan and others***, arising out of FIR No. 166 dated 20.11.2022, registered under Sections 323, 452, 427, 379-B, 506, 148 and 149 of IPC at Police Station Kot Ise Khan, District Moga, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

10. Keeping in view the fact that the petitioner is ready to join the Court proceedings which would obviously help in speedy conclusion of trial, she is directed to surrender before the learned trial Court on or before 03.09.2025 and on doing so, the learned trial Court shall release her on bail, subject to her furnishing fresh personal/surety bonds to its satisfaction.

11. Till the appearance of the petitioner before the learned trial Court, her arrest shall remain stayed.

12. It is made clear that in case the petitioner fails to appear before the learned trial Court within the stipulated time, this petition shall be deemed to be dismissed.

13. However, this relief shall be subject to payment of cost of Rs. 10,000/-, to be deposited by the petitioner with the District Legal Services Authority, Moga.

27.08.2025

*Waseem Ansari*(MANISHA BATRA)  
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*