

2025:PHHC:056847



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

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**CRM-M-23315-2025 (O&M)  
Date of decision: 01.05.2025**

**Tushar****..Petitioner****Versus****State of Haryana and another****..Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

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

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 12.08.2024, passed by the Judicial Magistrate First Class, Rohtak in case titled as ***Vikas Bindal vs. Tushar***, arising out complaint bearing No. NACT/1281 of 2019, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), 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 his counsel that the petitioner had been declared a proclaimed person without following the proper procedure prescribed under Section 82 Cr.P.C. Even otherwise, the main complaint filed by respondent No. 2/complainant under Section 138 of the N. I. Act stands dismissed as withdrawn, vide order dated 12.03.2025. Hence, it is urged that the impugned order is liable to be set aside.

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

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4. A perusal of the statement of the serving police official reveals that the proclamation was not read over in some conspicuous place of the town or village in which the petitioner was supposed to be residing. As per 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 sub-clauses (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. Reliance in this regard can be placed upon ***Pawan Kumar Gupta Vs. The State of W.B. : 1973 CriLJ 1368.***

5. 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 12.08.2024, passed by the Judicial Magistrate First Class, Rohtak in case titled as ***Vikas Bindal vs. Tushar***, arising out complaint bearing No. NACT/1281 of 2019, filed under Section 138 of the N. I. Act, whereby the petitioner had been declared a proclaimed person, is quashed with all consequential proceedings arising therefrom.

6. Let a copy of this order be sent to the learned trial Court for intimation.

01.05.2025

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