



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

**Serial No. 106**

**CRM-M-54320-2025  
Decided on:- 30.09.2025**

Raj Singh alias Raj Kumar

. . . Petitioner

Versus

State of Punjab

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Tarun Deora, Advocate  
for the petitioner.

Mr. S. S. Chahal, Assistant Advocate General, Punjab.

**TRIBHUVAN DAHIYA, J.(ORAL)**

The petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, quashing the order dated 18.04.2025, Annexure P-23, in FIR No.224, dated 16.10.2024, registered under Sections 221, 109, 132, 191(3), 190 BNS and Sections 132 and 134 of the Representation of People Act, 1951 at Police Station Patran, District Patiala, whereby the petitioner has been declared as a proclaimed person/offender.

2. Learned counsel contends that the petitioner is serving in Indian Army and posted at Hatigarh, Assam. The application dated 05.11.2024, Annexure P-4, seeking his arrest warrants was submitted by the police, whereupon the arrest warrants were issued by the trial Court on the same day.



The same could not be executed, and the fresh warrants of arrest were sought by the police which were again issued number of times between 12.11.2024 to 03.02.2025, but could not be executed. Thereupon, the Station House Officer moved an application dated 04.02.2025, Annexure P-15, for issuing proclamation against the petitioner and co-accused Gurcharan Ram, wherein the petitioner's name was wrongly mentioned as Raj Kumar instead of Raj Singh. The proclamation was first issued vide order dated 18.02.2025, which was recalled vide subsequent order dated 19.02.2025 on account of a pending bail application filed by the co-accused. Subsequently, vide order dated 05.03.2025, the proclamation was again issued by learned Magistrate requiring the petitioner and co-accused Gurcharan Ram to appear before the Court within thirty days and the case was adjourned to 08.04.2025. Thereafter, the serving officer Avtar Singh of Police Station, Patran, recorded a statement dated 07.03.2025, Annexure P-22, before the learned Magistrate that “ *I had affixed the proclamation on the main gate of the house of the accused and second copy I had pasted on the wall of Dharmshal of the Village and another copy of the proclamation was pasted on the notice board of this Hon'ble Court.*” On this basis, the petitioner was declared a proclaimed person vide impugned order dated 18.04.2025. It is further contended that the order is not unsustainable in the eyes of law as the mandatory requirements under Section 84 BNSS have not been complied with. As per the statement of the serving officer, the proclamation was not publicly read in a conspicuous place in the village. Therefore, there is no basis to pass the impugned order.

3. Learned State counsel, however, contends that the requirements were complied with as the proclamation was pasted at three different places



including the main gate of the petitioner's house. It was pasted outside on the wall of *Dharamshala* as well, and also on notice board of the Court. Therefore, there has been sufficient publication which ensures compliance of the requirements under Section 84 BNSS. He also contends that investigation is still going on and *challan* against the petitioner has not been presented in the Court as yet. The petitioner may be directed to join the investigation as and when required.

4. Submissions made by learned counsel for the parties have been considered.

5. Section 84 BNSS requires that proclamation must be publicly read in some conspicuous place of the town or village in which said person ordinarily resides. Apparently, it is not the respondent's case that the proclamation has been publicly read in the village in which the petitioner is statedly residing. Although in compliance of sub section 2 of Section 84, it was pasted at conspicuous places, it was not read over in the village and, therefore, it cannot be said that the mandatory conditions under sub section 2 of Section 84 have been complied with.

6. In view thereof, the petition is allowed and the impugned order dated 18.04.2025 is set aside.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

**30.09.2025**

*Mehak*

*Whether reasoned/speaking? Yes/No*  
*Whether reportable? Yes/No*