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

CRM-M-43484-2024**DATE OF DECISION: 04.09.2024****RAJ KUMAR****...PETITIONER****Versus****STATE OF PUNJAB AND ANOTHER ... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr.Mandeep Singla, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

*********SANDEEP MOUDGIL, J (ORAL)**

This petition has been filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for quashing of the impugned order dated 05.03.2019 (Annexure P-2) passed by SDJM/Nihal Singh Wala, District Moga, whereby petitioner (wrongly named as Bharat Bhushan) was declared as a proclaimed offender in FIR No.64 dated 25.04.2016 registered under section 420, and 120B of India Penal Code, 1860 at Police Station Nihal Singh Wala (Annexure P-1), which is illegal, perverse and against the provision of law envisaged u/s 82(4) Cr.P.C.

Learned counsel for the petitioner contend that the petitioner is being harassed by the Investigating agency in the instant FIR and now also has been declared as Proclaimed Offender despite the fact that he is neither named in the instant FIR nor is accused before the Trial Court. It is his assertion that the petitioner is being dragged in this case in the place of Bharat Bhushan whereas the petitioner is actually named as Raj Kumar s/o Tarsem Ram, r/o Village



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Poonia, District Nawanshehar, Punjab now resident of Tank Calle Piere, 23 local 2, Hospitadale De Llobregat 08905, Barceloe, Spain. He further submits that the petitioner does not know any person by the name of Bharat Bhushan whose father name is shown to be Brij Lal.

This Court enquired from learned State Counsel who on instructions from Investigating Officer submits that on the basis of the record it is the petitioner whose actual name was Bharat Bhushan when he was in India and his name was mentioned in the instant FIR as Bharat Bhushan @ Meeta @ Raj Bhatti s/o Brij Lal r/o Bidhipur, District Jalandhar.

Prima facie it seems that neither the original name nor the address situated in India match with each other to ascertain that Bharat Bhushan is the person who is indeed known as Raj Kumar. Apart from that, it is also asserted on behalf of the counsel for the petitioner that the petitioner was never served with the proclamation issued by the Court since it was always issued in the name of Bharat Bhushan @ Meeta @ Raj Bhatti s/o Brij Lal r/o Bidhipur, District Jalandhar, to which the petitioner has no concern whatsoever.

Learned counsel for the petitioner though submits that there is no denial to the fact that petitioner earlier was engaged with respondent No.2 via online showing each other's identity through photographs alone but have not met each other in person ever.

Though the story put forth by counsel for the petitioner is



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not inspiring much confidence of this Court to believe that the petitioner is not the person who has been named in the instant FIR and subsequently proceedings under Section 82 Cr.P.C. by the Trial Court in the name of Bharat Bhushan @ Meeta @ Raj Bhatti r/o Bidhipur, District Jalandhar has been issued but on an undertaking given on his behalf by the petitioner in Court that he will come to India on 07.11.2024 and will surrender before the Trial Court in one week thereafter i.e. on or before 14.11.2024.

In light of the above undertaking given and with the sole motive and view that in case the petitioner comes present and surrenders before the Trial Court it will facilitate the furtherance of proceedings to take it a logical conclusion, which is pending since 25.04.2016, execution of the order dated 05.03.2019 is ordered to be kept in abeyance to await the surrender of the petitioner before the Trial Court and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same is to be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

This petition is disposed of at this stage with further direction to the petitioner through his Power of Attorney as well as Sh.



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Mr. Mandeep Singla, Advocate representing him that he shall surrender on or before 14.11.2024 before the Trial Court.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of \$5000 in Euros (in the form of Spanish Currency) to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and Punjab and Haryana Bar Clerk Association, Chandigarh (in equal share) and receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

04.09.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No