



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

**CRM-M-8798-2025
DECIDED ON: 17.02.2025**

SAMUEL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS, 2023 seeking quashing of order dated 06.01.2021 (Annexure P-8) passed by the Court of Sub Divisional Judicial Magistrate, Nakodar in case FIR No. 0036-dated 03.03.2020 (Annexure P-1) under sections 406, 420, 120-B IPC and under Section 13 of Punjab Travel Professional (Regulation) Act, registered at police station Nakodar Sadar, District Jalandhar declared as a proclaimed offender,

Learned counsel for the petitioner contends that the FIR was registered at the back of the petitioner when he was already in Dubai wherein he is working as labourer since the year 2016. The things turned worst there as his passport was in possession of the employer in Dubai, therefore, he could not returned back to India and finally has been deported in the year 2024. The petitioner was not aware of the proceedings going on qua the instant FIR as has been vehemently contended on behalf of the petitioner. It is on that account, orders dated 06.11.2020 (Annexure P-4) and subsequent proceedings by which proclamation proceedings were initiated and finally came to be declared as proclaimed offender dated 06.01.2021 (Annexure P-8).

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who would justify the order declaring the petitioner as proclaimed offender by asserting that due procedure under Sections 82 and 83 Cr.P.C. have been complied with by the Court below while passing the impugned order dated 06.01.2021 (Annexure P-8) but could not controvert the fact that the FIR is dated 03.03.2020 i.e. after the petitioner has already left for Dubai in the year 2016 and whatever the allegations have been made against him in the instant FIR/occurrence of any nature that took place in India at that relevant time when the petitioner was not in India.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date sympathetically and decided expeditiously 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.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

17.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No