

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 124

Criminal Miscellaneous No.M-19103 of 2025**Date of Decision: May 16, 2025**Rajiv Joshi

..... PETITIONER(S)

*VERSUS*State of Punjab & another

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Rahul Sharma-I, Advocate, for the petitioner.

Mr. J.S. Rattu, Deputy Advocate General, Punjab.

Mr. Rahul Aggarwal, Advocate, for respondent No.2.

SANDEEP MOUDGIL, J (Oral)

This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing impugned order dated 29.05.2018 (Annexure P-2) passed in FIR No.108 dated 16.06.2016 under Sections 120-B, 420, 465, 467, 468 and 471 IPC, registered at Police Station, City Phagwara, District Kapurthala, whereby the petitioner has been ordered to be declared a proclaimed offender.

2. Learned State counsel submits that petitioner left India on 17.11.2015 and never came back to the country and is not involved in any other case. He refers to order dated 29.05.2018, vide which he has been declared a proclaimed person. The statement of serving official HC Baldev Singh who has recorded a separate statement that proclamation issued against the petitioner was received back duly effected on 06.04.2018. If question, if effected, remains that petitioner is not residing at the address since 17.11.2015, and was abroad, and not in India, the affixation of proclamation considering it to be an effective service would only be an eye-wash. Moreover,

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compromise has been effected between the parties. This fact is not controverted by learned counsel for the respondent. The report regarding compromise has been received from Sub Divisional Judicial Magistrate, Phagwara in CRM-M-1884 of 2025 in the instant FIR.

3. In view of the above, impugned order dated 29.05.2018 is hereby quashed qua the petitioner.

4. The present petition is hereby allowed.

(SANDEEP MOUDGIL)
Judge

May 16, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No