



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

CRM-M-22881-2025

DATE OF DECISION: 15.05.2025

JOGINDER SINGH @ SABBI

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Navraj Singh Mahal, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Petition under Section 528 of the '*Bharatiya Nagarik Suraksha Sanhita*', 2023, has been filed for quashing of the impugned order dated 17.07.2019 (Annexure P-11), passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby, the petitioner has been declared as a Proclaimed Offender, in Complaint Case No. 18 of 2017, as well as the order dated 22.08.2017 (Annexure P-2), whereby the petitioner and his co-accused were summoned to face the trial under Sections 323, 324, 452, 427, 506, 148 and 149 IPC and all other consequential proceedings arising therefrom.

2. It is contended that during the pendency of the said complaint, the petitioner was regularly appearing and he was on regular bail. On 18.08.2018, an application seeking exemption from personal appearance of the petitioner was filed which was allowed by the trial Court (Annexure P-3). However, the petitioner could not appear on 22.10.2018 and 20.11.2018 (Annexures P-4 and P-5 respectively) as he went abroad



without permission of the Court. Thereafter, vide order dated 03.12.2018 (Annexure P-6), the Area Magistrate has cancelled the bail of the petitioner.

2.1 It is further submitted that without following due procedure under Sections 82 and 84 of BNSS and without service of warrants as the petitioner was out of country, the petitioner was declared Proclaimed Offender, vide order dated 17.07.2019 (Annexure P-11).

2.2 Learned counsel for the petitioner submits that ultimately, the matter was compromised between the parties and on 28.09.2023, the complainant made a statement before the Area Magistrate, Jalandhar and stated that he does not want to proceed with the said complaint against all the accused (including the petitioner) and made a request that the criminal complaint may be dismissed as withdrawn. In view of the said statement made by the complainant, the Area Magistrate has dismissed the complaint as having been withdrawn.

2.3 Learned counsel for the petitioner also submits that the order dated 22.08.2017 (Annexure P-2), passed by the Area Magistrate, whereby the petitioner and his co-accused were summoned to face the trial under Sections 323, 324, 452, 427, 506, 148 and 149 IPC may also kindly be quashed, in view of the aforesaid facts and circumstances of the case.

3. Notice of motion to respondent No.1 only.

4. On the asking of the Court, Ms. Ramta Chowdhary, D.A.G., Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State. She, upon instructions from ASI Gurmeet Singh, has confirmed that no proceedings under Section 174-A have been initiated against the



petitioner.

5. In view of the facts of the present case, this Court feels that issuance of notice to private respondent No. 2-complainant would unnecessarily delay the proceedings, as such, issuance of notice to respondent No. 2 is dispensed with.

6. Since the main Criminal Complaint has already been withdrawn by the complainant, as such, proceedings against the petitioner on the basis of the impugned order, dated 17.07.2019 (Annexure P-11) qua his absence and declaration as Proclaimed Offender would be just an abuse of process of law.

7. Consequently, the present petition is allowed and the impugned order, dated 17.07.2019 (Annexure P-11) is set aside. The order dated 22.08.2017 (Annexure P-2), passed by the Area Magistrate to face the trial under Sections 323, 324, 452, 427, 506, 148 and 149 IPC is also quashed qua the petitioner.

8. It is, however, made clear that if any facts stated by the petitioner are found to be against the record, concealed or misleading, respondent No. 2-complainant would be at liberty to file an appropriate application for recalling of this order.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

MAY 15, 2025
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking

Yes

Whether Reportable

No