

CRM-M-34170 of 2025

2025:PHHC:087302



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

CRM-M-34170 of 2025

Date of decision: 17.07.2025

Kulbant Singh Sangha @ Kulwant Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. R.K. Arya, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. On 07.07.2025, the following order was passed: -

“The petitioner has filed the instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 25.01.2011 (Annexure P-4) passed by learned Judicial Magistrate First Class, Phillaur, District Jalandhar, whereby the petitioner has been declared as proclaimed offender in case FIR No.49 dated 29.06.2010 registered under Sections 498-A, 406, 494 & 34 of Indian Penal Code, 1860 at Police Station Nurmahal, District Jalandhar.

In para 12 of the petition it has been stated that no such or similar petition has been filed by the petitioner before this Court or before the Hon’ble Supreme Court.

On receipt of advance copy of the petition, Mr. Adhiraj Singh, A.A.G., Punjab has put in appearance on behalf of respondent No.1-State and submits that the petitioner had earlier

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filed petition bearing CRM-M No.27012 of 2019 (Kulbant Singh Sangha Vs. State of Punjab and another) under Section 482 of Cr.P.C. for quashing of the abovesaid FIR, which was withdrawn by the petitioner with liberty to avail his remedies as available in law, vide order dated 12.09.2023 and the present petition may be dismissed with exemplary cost on account of concealment and being not maintainable.

*He further submits that even otherwise, in view of the law laid down by this Court in **CRM-M-7189-2023 titled as 'Sukhwinder Singh through his SPA and others Vs. State of Punjab and another' decided on 18.10.2023**, the instant petition is not maintainable as the same has been filed through Special Power of Attorney by impugning the order dated 25.01.2011 (Annexure P-4), whereby the petitioner has been declared proclaimed offender.*

Faced with this situation, learned counsel for the petitioner seeks an adjournment to get instructions.

Adjourned to 11.07.2025."

2. Learned counsel for the petitioner wishes to withdraw the present petition with liberty to file fresh one on the same cause of action by petitioner himself and not through SPA.
3. Dismissed as withdrawn with liberty aforesaid.

17.07.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No