



CRM-M-43115-2024(O&amp;M)

1

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

125

CRM-M-43115-2024(O&amp;M)

Decided on: 14.05.2025

Amit Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: None for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab.

\*\*\*\*

**SANJAY VASHISTH, J.**

1. Present petition has been filed under Section 528 of BNSs, seeking quashing/setting aside of the order dated 06.08.2024 (P-2), passed by learned Judge Special Court, Pathankot, whereby the application seeking permission to go abroad (England), has been declined.

2. On 09.01.2025, following order was passed by the co-ordinate Bench of this Court:

*“ Counsel appearing on behalf of the petitioner submits that as per his instructions, the petitioner who was supposed to return to India by in December 2024 has failed to do so till date.*

*In view of the above, the Court concerned below is hereby directed ensure that FDR worth Rs.5 lacs submitted by the petitioner is to be kept intact till further orders. As it appears that the petitioner has absconded, the trial Court is directed to proceed against the petitioner in accordance with law and the copy of this order be sent to the trial Court for necessary compliance.*

*Now be listed on 21.02.2025.”*

3. Thereafter on 21.02.2025, following order was passed:

*“ Report has been received from the Court concerned, as per which the petitioner is absconding and had also withdrawn the amount of FDR and the Court concerned has also observed that apparently, it is a case of criminal breach of trust and*



CRM-M-43115-2024(O&amp;M)

2

*cheating on the part of the petitioner Amit Kumar and his mother.*

*In the given circumstances, the Court of Additional Sessions Judge, Pathankot where the trial against the petitioner is pending is hereby directed to get register the FIR against the petitioner and other persons who have committed criminal breach of trust and cheating, apart from other proceeding being already initiated by the said Court in accordance with law against the petitioner. The learned trial Court is hereby directed to submit its fresh report in this regard by the next date of hearing. Now be listed on 26.03.2025.”*

4. Resultantly, in compliance with the order dated 21.02.2025, a report dated 01.03.2025 has been received from the learned Additional District and Sessions Judge, Pathankot, which reads as under:

*“ With reference to subject cited above, I have the honour to submit that in compliance of the orders of Hon'ble High Court dated 21.02.2025, FIR no.24 dated 27.02.2025, under Sections 212, 217, 316(2), 318 (4) read with Section 61(2) of Bharatiya Nayay Sanita, 2023 (BNS), PS Division no.1, Pathankot has been got registered against (i) Amit Kumar son of Manohar Lal and his mother (ii) Tripta Devi wife of Manohar Lal. Copy of FIR is attached herewith.*

*Submitted please.”*

5. On 07.04.2025, following order was passed:

*“ The State counsel apprised the Court that now FIR has been registered against the petitioner, as he has absconded after getting permission to leave the country for a specified period and has not surrendered till date.*

*Fresh report be called from the Court concerned in this regard by the next date of hearing.*

*Now be listed on 14.05.2025”*

6. Thereupon, in compliance of the order dated 07.04.2025, a report dated 28.04.2025 has been received from learned Additional District and Sessions Judge, Pathankot, which reads as under:

*“ With reference to above cited subject and in continuation of my letter No.42 dated 19.02.2025 and letter no.50 dated 28.02.2025. I have the honour to submit that accused Amit Kumar against whom proclamation under Section 82 Cr.P.C. was issued did not appear and has been declared as Proclaimed Offender on 28.4.2025. The concerned SHO has also been directed to proceed against him by lodging another FIR under Section 209 of BNS (earlier Section 174-A of IPC).*

*It is further submitted that surety of said Amit Kumar who had furnished surety for him appeared today and penalty of entire*



*surety bonds' amount i.e. Rs.50,000/- has been imposed upon him.*

*It is further submitted that when the documents of another surety of accused Amit Kumar were got verified from SDM, Dera Baba Nanak, it came out that fake surety by impersonation and forgery of documents was furnished by him. So, the copies of relevant documents have been forwarded to concerned SHO to investigate the matter in the already lodged FIR, by nominating the person who has impersonated as surety and against identifier of that surety, under Sections 212, 217, 319(2), 318(4), 336(2), 338, 336(3), 340(2) of BNS read with Section 61(2) of BNS. As the co-accused is facing trial so prosecution witnesses have also been ordered to be summoned. Submitted please.”*

7. Since, the petitioner has succeeded in his ill motive of absconding from the proceedings by misusing the permission granted by this Court, and in view of the reasons recorded in the previous orders, the present petition is hereby dismissed.

(SANJAY VASHISTH)  
JUDGE

May 14, 2025  
rashmi

Whether Speaking/Reasoned: YES/NO  
Whether Reportable: YES/NO