



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

CRM-M No.57333 of 2024
Date of decision: 24th February, 2025

Balkar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Veeraj Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking quashing of order dated 27.11.2007 (Annexure P-3) passed by the Court of learned Sub Divisional Judicial Magistrate, Pehowa, vide which the petitioner was declared a proclaimed offender in case FIR No.156 dated 02.07.2003 under Sections 148, 149, 324 of the IPC registered at Police Station Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The challan was presented against him and co-accused on 15.11.2003. However, on 04.01.2005, the petitioner left India and settled in Germany. It has been asserted by the learned counsel that subsequently, on 27.11.2007, the petitioner was declared a proclaimed offender behind his back, without

being given any opportunity of being heard. Meanwhile, the co-accused faced trial and were acquitted.

3. Learned counsel has submitted that, given the above circumstances, particularly the acquittal of the co-accused, the petitioner, who is now settled in Germany, should be granted anticipatory bail. Learned counsel has further submitted that the petitioner has a genuine apprehension that he will be arrested upon arrival in India due to his status of a proclaimed offender.

4. On the last date of hearing, this Court directed the petitioner to place on record photocopy of his air tickets to establish his bona fides regarding his intent to return to India. However, when the matter was taken up today, learned counsel for the petitioner failed to produce the required documents despite the undertaking given earlier. Instead, learned counsel prayed for a direction to the Indian Embassy in Germany to issue a fresh passport to the petitioner, as his previous passport had expired.

5. I have heard learned counsel for the petitioner and perused the relevant material on record.

6. This Court finds no merit in the instant petition. It is undisputed that the petitioner was declared a proclaimed offender and absconded from the trial by fleeing to Germany in 2005. Granting anticipatory bail to an absconder, particularly in view of his status as a proclaimed offender, is unwarranted. Furthermore, the request for a direction to the Indian Embassy for issuance of a fresh passport is

misconceived and untenable. This Court lacks jurisdiction to issue such directions, particularly when the present petition is filed under Section 528 of the BNSS.

7. In view of the foregoing, the instant petition is dismissed in limine. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 24, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No