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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-24500-2026 in/and
CRM-M-29035-2026(O&M)
Date of Decision: 10.06.2026

Sagar Masoun

.....Applicant/ Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR

Present : Mr. J.S. Thakur, Advocate
for the applicant-petitioner.

Ms. Gagandeep Kaur, DAG, Punjab

Mr. Fatehjeet Singh, Advocate
for respondent No.2.

ROHIT KAPOOR, J. (Oral)

CRM- 24500-2026

1. For the reasons stated in the application, and with the consent of the parties, the same is allowed and the main case is taken up on board today itself.

Main Case

2. The instant petition has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (earlier 482 Cr.P.C.) for quashing the order dated 12.01.2018 passed by the learned Sub Divisional Judicial Magistrate, Nakodar, whereby the petitioner was declared as proclaimed offender in case FIR No. 111 of 2015, dated 08.05.2015, under Sections 66



E/67-A of the Information and Technology Act, 2000 and Section 354-A IPC (Section 75 BNS) registered at Police Station Nakodar, District Jalandhar.

3. Learned counsel for the petitioner contends that the petitioner at the time of registration of the said FIR, was of tender age and was granted the relief of anticipatory bail and he joined the investigation. It is submitted that since the father of the petitioner was living in Canada and sponsored the petitioner for immigration, he went to Canada on 09.08.2017. It is submitted that the petitioner was under a bonafide impression that the case had already been closed, however, it is only when the mother of the petitioner came to India, then it was found that he has been declared as a Proclaimed Offender. Learned counsel for the petitioner submits that when the petitioner was summoned through proclamation, he was not present at the given address and therefore, he was never served as per the procedure set out under section 82 of the Code of Criminal Procedure, which is duly evidenced from his passport (Annexure P-2). It is, thus, submitted that the order passed by the Court declaring the petitioner as a proclaimed offender stands vitiated as no proper satisfaction was recorded that the petitioner was deliberately absconding or concealing himself to evade his arrest. It is further submitted that it is well settled that the conditions specified under section 82 Cr.P.C. for publication of proclamation are mandatory and that proper services of warrants and notices are mandatory before initiating the proclamation proceedings.

4. Learned counsel has also drawn the attention of the Court to the fact that the parties have already entered into a compromise on 06.12.2025 and have filed a petition i.e. CRM-M-12918-2026, wherein the statements of



the parties have been recorded in pursuance to the orders dated 10.03.2026 and therefore, no useful purpose would be served in continuing the proceedings arising out of the impugned order.

5. Notice of motion.

6. Ms. Gagandeep Kaur, DAG, Punjab accepts notice on behalf of respondent-State, whereas Mr. Fatehchand Deep Singh, Advocate accepts notice on behalf of respondent No.2.

7. The factual assertions made in the petition are not disputed.

8. I have heard learned counsel for the parties and have perused the material available on record.

9. Perusal of the copy of the passport (Annexure P-2) would reflect that the petitioner had departed from India on 09.08.2017. The said fact would establish that he was not available at the given address on 26.11.2017, when proclamation against him is stated to have been affected vide the impugned order dated 12.01.2018. It is also undisputed that the parties have compromised the matter, and the petitioner has approached this Court for quashing the FIR in question and all the subsequent proceedings arising therefrom.

10. It is well settled that no person can be declared a proclaimed offender/person unless the procedure prescribed under Section 82 of the Code of Criminal Procedure is strictly and meticulously adhered to before issuing a proclamation requiring a person to appear, the Court must have reason to believe that a such person has absconded or is concealing himself so that the



warrant cannot be executed. In the present case, it is evident that the petitioner was not available on the given address on the date of issuance of proclamation and therefore it cannot be said that there was proper satisfaction regarding execution of proclamation. Further there is force in the contention of the learned counsel for the petitioner that once the parties have finally compromise the matter and there is no legal hindrance in allowing the quashing petition, then in such circumstances, no useful purpose would be served in continuing the proceedings arising out of the FIR.

11. In that view of the matter, the present petition is allowed and the order dated 12.01.2018, whereby the petitioner was declared as a proclaimed offender in case FIR No. 111 of 2015, dated 08.05.2015, under Sections 66 E/67-A of the Information and Technology Act, 2000 and Section 354-A IPC (Section 75 BNS) registered at Police Station Nakodar, District Jalandhar and is hereby quashed.

12. Pending applications if any also stand disposed of accordingly.

(ROHIT KAPOOR)
JUDGE

10.06.2026
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Whether speaking/reasoned : Yes

Whether Reportable : No