



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

141

CRM-10327-2026 in/and
CRM-M-37026-2024 (O&M)
Date of Decision :17.03.2026

Surjeet Singh

.....Applicant-Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Anshuman Dalal, Advocate for the applicant-petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):**CRM-10327-2026**

For the reasons set out in the application which is duly supported by an affidavit, the same is allowed. Accordingly, CRM-M-37026-2024 is taken on Board for hearing.

CRM-M-37026-2024

By virtue of present petition filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita 2023, the extraordinary jurisdiction vested in this Court has been invoked. Vide present petition the petitioner has sought for quashing of order dated 05.10.2024, whereby the petitioner was declared a proclaimed person/offender and as a consequence thereof the FIR No.24 dated 11.02.2013 was slapped against the petitioner for an offence under Section 174-A of the Indian Penal Code in Police Station Naggal, District Ambala.

2. In nut-shell the facts emerging from record are that for the commission of offence punishable under Sections 147, 186, 189, 341 and 353



read with Section 149 of IPC, the FIR No.174 dated 06.10.1997 was slapped against the petitioner and in the above mentioned case the petitioner was released on bail. The record further shows that petitioner had left the country and settled in France, and in his absence without issuing proper process he was declared a proclaimed offender by virtue of order dated 05.10.2004. The record further shows that as a consequence thereof, the FIR No.24 of 2013 was registered against him.

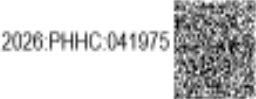
3. Heard.

4. It has been contended on behalf of petitioner that in the present case two important aspects are involved:

- a) Whether a proper procedure was adopted by the Court for declaring the petitioner to be a proclaimed offender?
- b) whether for a proclaimed person in the year 2004 the FIR could have been slapped in the year 2013?

5. As far as the first point of determination is concerned with regard to above it is relevant to mention here that it is an admitted fact that since 2003 the petitioner has been residing abroad, and therefore, without proper service of process upon the petitioner, he could not have declared a proclaimed offender. Once the proclamation was affixed at a place where the petitioner was not residing, it is hereby held that the procedure adopted by the learned trial Court while declaring the petitioner to be a proclaimed offender, was not in conformity with law.

6. As far as the second point of determination is concerned, in view of the fact that on 05.10.2004 when the petitioner was declared a proclaimed person/offender, the offence enshrined under Section 174-A IPC was not in existence, it is hereby observed that for an act which had been declared to be



an offence in the year 2006, the FIR could not have been slapped, if the act was committed before the 2006. In the present case as already discussed above, the petitioner was declared proclaimed offender/person in the year 2004, and therefore on the basis of order dated 05.10.2004 whereby the petitioner was declared a proclaimed person, the FIR under Section 174-A IPC could not have been lodged.

7. Taking into consideration the observations recorded with regard to both the above mentioned point of determinations, it is hereby held that the impugned order whereby the petitioner has been declared a proclaimed offender/person and the FIR No.24/2013, amounts to abuse of process of law and deserves to be quashed. Hence, the above mentioned order dated 05.10.2004 as well as FIR are hereby quashed.

(SURYA PARTAP SINGH)
JUDGE

17.03.2026
Manoj Bhutani

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