



CRM-M-48083-2021

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(227)

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

CRM-M-48083-2021

Date of Decision:-06.02.2026

AMIT GUPTA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent:- Mr. Chandan Singh Rana, Advocate
for the Petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under 482 Cr.P.C. is for quashing of the FIR No.186 dated 01.10.2004 (Annexure P-1) registered under Sections 468/379/380/411/420/467/471/120-B IPC at Police Station Haibowal, Ludhiana including the order dated 10.04.2012 (Annexure P-3) passed by the JMIC, Ludhiana, District Ludhiana by virtue of which the petitioner was declared as a proclaimed offender and consequential proceedings arising therefrom keeping in view the fact that the co-accused have been acquitted.

2. The learned counsel for the petitioner has sought permission to withdraw the present petition.

3. On the other hand, the learned State counsel contends that the prayer for withdrawal has been made on account of the fact that the petitioner has not complied with the order dated 24.03.2023 whereby he was

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required to return back India and surrender. Therefore, the present petition be dismissed.

4. I have heard the learned counsel for the parties.

5. When this matter had come up for hearing on 06.12.2021, the following order was passed:-

“Prayer in the present petition is for quashing of FIR No. 186 dated 01.10.2004 (Annexure P-1) registered under Sections 468, 379, 380, 411, 420, 467, 471 and 120 B IPC; order dated 10.04.2012 passed by the Judicial Magistrate 1st Class, Ludhiana, declaring the petitioner a proclaimed offender and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner was of 17 years of age at the time of alleged occurrence; that he was arrested on 01.10.2004; that after having been released on bail, he had been appearing before the Court regularly; that on 04.04.2011, due to non-appearance of the petitioner, his bail/surety bonds had been cancelled and forfeited to the State; that the petitioner was summoned through non-bailable warrants but again due to non appearance, proclamation proceedings were initiated against him and he was subsequently declared a proclaimed offender. It is further submitted that the aforesaid proceedings had been initiated at the back of the petitioner, as he had already left for U.K. and has been residing therein.

It is further submitted that co-accused have already been acquitted by the trial Court vide judgment dated 7.5.2015 and that no useful purpose would be served by continuing the trial proceedings against the petitioner.

In support of his case, he relies upon the judgment passed by a Division Bench in 'Sudo Mandal @ Diwarak Mandal Vs. State of Punjab', 2011(2)RCR (Criminal) 453 and CRM-M-6640-2019 titled as Rajesh Kumar @ Billa Vs. State of Punjab, decided by a Coordinate Bench on 19.03.2019.

Notice of motion for 27.01.2022.”



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6. Thereafter, the matter was adjourned from time to time.

7. On 24.03.2024, the following order was passed:-

“The petitioner is seeking quashing of FIR No.186 dated 01.10.2004 registered under Sections 468, 379, 380, 411, 420, 467, 471 and 120-B IPC and order dated 10.04.2012 passed by JMIC, Ludhiana declaring him a proclaimed offender and all subsequent proceedings arising therefrom.

Learned counsel for the petitioner has very fairly apprised the Court that the petitioner, who was declared a proclaimed offender vide order dated 10.04.2012, is presently not in India, however, he is ready to travel to India and thereafter appear and surrender before the trial Court concerned. He prays for short adjournment to place on record the photocopy of the air tickets of the petitioner qua his intended travel to India.

On request, adjourned to 21.04.2023.”

8. Once again, the adjournments were sought or the matter was not taken up.

9. On 03.02.2026, the following order was passed:-

“As per the contentions raised by the learned State counsel, the co-accused of the petitioner faced trial and were acquitted. The petitioner was declared a proclaimed offender. On 24.03.2023, an undertaking was made that the petitioner was ready and willing to travel back to India to face trial. However, the photocopy of the air tickets etc. have not been placed on record.

Adjourned to 06.02.2026 to comply with the order dated 24.03.2023.”

10. Despite availing opportunities to comply with the order dated 24.03.2024, the petitioner has chosen not to do so and a request has been made to withdraw the present petition.

11. Keeping in view the fact that the petitioner is a proclaimed

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offender and has not complied with the undertaking given in this Court, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.02.2026

JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>