



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

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CRM-M-64917-2024 (O&M)
Date of decision : 24.01.2025

Sukhwinder Singh and othersPetitioners

V/S

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sumit Duta, Advocate for the applicants/petitioners.

Mr. Adhiraj Singh, A.A.G., Punjab.

Mr. Prashant Bansal, Advocate for respondents No.2 & 3.

NAMIT KUMAR, J. (ORAL)

CRM-2837-2025

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for placing on record copy of bail order and reply of state in CRWP-4433-2020 as Annexures P-4 & P-5.

Allowed as prayed for subject to all just exceptions.

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1. The instant petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.247 dated 01.07.2020 registered under Sections 365, 366, 380, 452 & 120-B of IPC at Police Station Civil Line Batala, District Gurdaspur along with all consequential proceedings arising



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therefrom on the basis of compromise/affidavit dated 28.12.2023 effected between the parties.

2. The petitioners have earlier filed a petition bearing CRM-M No.52102 of 2021 titled as 'Sukhvinder Singh and others Vs. State of Punjab and another' for quashing of abovesaid FIR on the basis of some compromise which is not on record. In the said petition, notice of motion was issued on 07.02.2022 for 17.05.2022. However, the complainant was not served in the said petition despite grant of various opportunities to the petitioners and finally the said petition was dismissed for non-prosecution vide order dated 09.11.2023, which reads as under :-

“1. None has appeared on behalf of the petitioners despite pass over. Same was the position on the previous two dates of hearing.

2. Even, notice could not be issued to respondent No.2 for want of correct address.

3. In view of the above, the present petition is dismissed for non-prosecution.”

3. Thereafter, the present petition has been preferred by the petitioners. This petition came up for hearing before a Coordinate Bench of this Court on 20.12.2024 and on the said date the following order was passed :-

“Upon a pointed query by this Court, learned counsel for the petitioner has submitted that, as per his instructions, the petitioners are on bail.



The petitioners, through their learned counsel, are directed to place on record copy of the anticipatory/regular bail granted to the petitioners.

Adjourned to 14.01.2025.

It is made clear that in case the submissions made before this Court today regarding the petitioners being on bail is found to be incorrect, a cost of Rs.50,000/- shall be imposed.

At this stage, a request for withdrawal of the petition has been made. The same stands declined.”

4. In an application bearing CRM No.2854-2025 filed by the petitioners it has been stated that as a matter of fact petitioners No.1 & 3 are not on bail and are absconding.

5. Learned counsel for the petitioners has submitted that petitioners No.1 & 3 have filed bail application under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 before learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur, seeking anticipatory bail which has been rejected by the said Court vide order dated 14.01.2025.

6. The present FIR was registered on 01.07.2020 and petitioners No.1 & 3 are absconding and roaming freely despite their anticipatory bail having been rejected. An accused who is absconding from law cannot seek quashing of FIR on the basis of compromise. Even otherwise, the earlier petition filed by the petitioners bearing CRM-M No.52102 of 2021 seeking quashing of FIR on the basis of compromise was dismissed for non-prosecution and the petitioners,

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without getting restored the same, have filed another petition on the similar cause which is not permissible under the law.

7. In view of the above, the present petition is dismissed with a cost of Rs.50,000/- as ordered vide order dated 20.12.2024. The said cost be deposited by the petitioners within a period of one month from today with the Legal Services Authority, Punjab. In case of non-compliance of the order, the said authority shall be at liberty to inform the Deputy Commissioner of the concerned district who shall recover the said amount as arrears of land revenue, in accordance with law.

8. Pending application, if any, shall stands disposed of accordingly.

24.01.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No