



CRM-M-39454-2025 (O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

202(2)

CRM-M-39454-2025 (O&M)

Date of decision : 29.08.2025

Amandeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing of order dated 30.05.2024 (Annexure P-5) passed by the learned Judicial Magistrate, Ist Class, Jalandhar vide which the petitioner was declared as proclaimed offender in case FIR No.4 dated 18.01.2023, under Sections 406 and 498-A of Indian Penal Code (for brevity 'IPC'), registered at Police Station Women Cell, District Police Commissionerate, Jalandhar.

2. Learned counsel for the petitioner, while narrating the brief factual matrix of the case, submits that the petitioner has been falsely implicated in the instant case on the statement of the complainant/wife. After solemnization of their marriage on 31.03.2021, the parties resided together for only about four months. It was thus after more than one and a half year, when the petitioner was abroad, the instant FIR was got lodged. In fact, even non bailable warrants, and thereafter proclamation proceedings were initiated against the petitioner and he was declared as a proclaimed offender vide impugned order dated 30.05.2024. It is submitted that the petitioner was in Dubai since August 2021, and so, even the FIR was registered while he was abroad. Despite the same, proclamation proceedings were initiated

**CRM-M-39454-2025 (O&M)**

2

against the petitioner and he was declared as a proclaimed offender vide impugned order, without serving him at his correct address in Dubai. Therefore, due to non compliance with the mandatory provisions of Section 82 and 105 of Cr.P.C., the impugned order dated 30.05.2025 is bad in law and therefore deserves to be set aside.

3. *Per contra*, learned State counsel, has submitted that the petitioner, despite the proclamation, has failed to appear before the trial Court and has been rightly declared a proclaimed offender vide the impugned order and in addition, the petitioner is evading the process of Court which is highly deprecated on his part and in view of above, he does not deserve the concession.

4. Heard the submissions made by respective learned counsels for the parties.

5. A person cannot be said to “*abscond*” or “*evade*” the execution of warrant when he had gone to a distant place before the issue of the warrant. Dependence can be made on the judicial dictum rendered in the case of “*M.S.R. Gundappa v. State of Karnataka*” (1977 Cr LJ NOC 187), wherein it was held that a person who had gone abroad even before the issue of the warrant of arrest cannot be said to be absconding or concealing himself with the intention to disrupt the execution of that warrant.

6. Reliance can also be placed upon the judgment of this Court rendered in CRM-M-1513-2009 tiled as “*Mehar Singh And Anr. vs State of Punjab*” wherein it was held as under:

“In the present case, since the petitioners were already residing in Canada before the registration of FIR in question i.e. since the year 1997, there was no occasion for them to conceal themselves or abscond. A perusal of order dated 7-10-2008 (Annexure P-10) and order dated 21-12-2007 (Annexure P- 4) does not reveal that the petitioners were ever attempted to be served in Canada especially when there was no material on record that the



petitioners had left the country after the registration of FIR in question with a view to abscond or conceal themselves. Rather in the inquiries conducted by the police, the petitioners were found to be innocent because the alleged papers in question were prepared in Canada. Thus, the petitioners were declared proclaimed offenders in violation of Section 82, Criminal Procedure Code. Accordingly, the impugned order dated 7-10-2008 (Annexure P-10), whereby the petitioners were declared proclaimed offenders, is set aside.”

7. A bare perusal of the file in hand reflects that the petitioner had left for Dubai in August 2021. Even the nonailable warrants issued against the petitioner were received back unexecuted. The service to the petitioner was not executed through the embassy of India located in the concerned country where he was residing at the relevant time, making it clear that the impugned order was not passed in consonance with the mandate of Sections 82 & 105 of Cr.P.C. and is not sustainable in the eyes of law.

8. Therefore, in light of the afore-said judicial pronouncements and discussions made hereinabove, this Court is of the firm view that the impugned order dated 30.05.2024(Annexure P-5), vide which the petitioner has been declared proclaimed offender, is not sustainable in the eyes of law.

9. In view of the above, the present petition stands allowed and the impugned order dated 30.05.2024 (Annexure P-5) is set aside/quashed **subject to payment of Rs.50,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh.**

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.08.2025

Kapil

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No