IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(160) CRM-M-15732-2026 (O & M)
Date of Decision:23.03.2026

Anjeev Singh alias Jeeva ..... Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajan Singh Dadwal, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 BNSS (Section 482 Cr.P.C.) is for quashing of FIR No.100 dated 09.06.2019 under Sections 379, 411, 34 PC (corresponding Sections 303(2), 317(2), 3(5) BNS) registered at Police Station Sadar Jagraon, District Ludhiana Rural (Annexure P-1) qua the petitioner with all consequential proceedings arising therefrom as the main accused has been acquitted vide a judgment dated 02.02.2026 (Annexure P-6) passed by the Sub Divisional Judicial Magistrate, Jagraon in the aforementioned FIR.

2. The brief facts of the case are that an FIR No. 100 dated 09.06.2019 under Sections 379, 411, 34 IPC, Police Station Sadar Jagraon, came to be registered against the accused (including the petitioner) and reads as under:-

SHO, Police Station Sadar Jagraon, "Jai Hind", today, 1 ASI alongwith ASI Sharanjit Singh No.296, ASI Bagga Singh 268, Head Constable Jarnail Singh No.194, C-2 Baljinder Singh No. 564 in government vehicle No.PB10CD-0680 which was being driven by Head Constable Gurdeep Singh No.210, were going from Gurusar Gate to village Galib Kalan for patrolling and checking of suspicious persons. Then, the special informer informed separately that Satwinder Singh alias Satta son of Baldev Singh son of Ajit Singh, Jagjit Singh alias Jagga son of Charan Singh son of Channan Singh, residents of Talwandi Khurd, police station Dakha, District Ludhiana, Gurdeep Singh son of Bant Singh son of Sucha Singh and Anjeev Singh alias Jeeva son of Harjinder Singh son of Atma Singh, residents of Sherpur Kalan, police station Sadar Jagraon, District Ludhiana, who are in the habit of stealing and reselling motorcycles. Who even today are riding on stolen motorcycles and trying to sell them. Who are now coming from village Kokri Kalan to village Galib Kalan on stolen motorcycles. If a blockade is made now at the Mutt Chownk, Village Galib Kalan, then the said persons can be caught alongwith the stolen motorcycles and more stolen motorcycles can be recovered from them. The information is true and reliable, a Rukka for registration of case under Section 379,411,34 of the IPC against the above-mentioned person is being sent to the police station by hand through C-2 Baljinder Singh No.564. The case be registered and the number of the case should be informed. The DCR should be informed through Wireless. Special reports should be sent to the higher officers. I, ASI alongwith my accompanying employees is going for barricading at Mutt Chownk of Village Galib Kalan. Today, within the area of link

road at Galib Kalan at 6:45 PM. Sd/-Rajwinderpal Singh, Incharge, Chownki Galib Kalan, Police tation Sadar Jagraon. Dated 09.06.2019. Today, receipt of aforesaid rukka at Police Station, the case is being registered against the aforesaid under aforesaid offences. The record is being completed. Original rukka alongwith the FIR will be sent to ASI Rajwinderpal Singh, In-charge of Police Chowki Ghalib Kalan at the spot through C-2 Baljinder Singh No.564. Special reports are being prepared and sent to the higher officers and Duty Magistrate Sahib by hand through Constable Harjit Singh 626. Information is being given at DCR. xx xx xx xx xx

3. During the course of the Trial, the petitioner initially appeared regularly but later, he did not appear before the concerned Court on 05.08.2024. Notices were issued to him. However, he did not appear in pursuance to those notices. Subsequently, non-bailable warrants were also issued. Later, he alongwith his co-accused, namely, Jagjit Singh @ Jagga were declared proclaimed persons vide order dated 24.03.2025 (Annexure P-5). Meanwhile, his co-accused/Satwinder Singh @ Satta meanwhile faced Trial and was acquitted vide a judgment dated 02.02.2026 (Annexure P-6).

4. The instant petition has been filed for quashing of the FIR in view of the acquittal of the co-accused as also the order 24.03.2025 (Annexure P-5) vide which the petitioner alongwith his co-accused/Jagjit Singh @ Jagga have been declared proclaimed persons.

5. The learned counsel for the petitioner contends that the petitioner was regularly appearing before the concerned Court. During the

course of the Trial, on account of miscommunication, he did not appear on one date. Subsequently, non-bailable warrants were issued which were not served upon him. Without following the procedure under Section 82 Cr.P.C. (Sub Section (2) of Section 84 of BNSS), the petitioner was declared a proclaimed person that too without recording a satisfaction that the petitioner was intentionally evading service vide order dated 24.03.2025. Meanwhile, his co-accused/Satwinder Singh @ Satta faced Trial and was acquitted. As the co-accused stands acquitted, the FIR (Annexure P-1) qua the petitioner and the order dated 24.03.2025 (Annexure P-5) whereby he has been declared a proclaimed person be quashed. Reliance is placed on ***'Sudo Mandal @ Diwarak Mandal versus State of Punjab 2011(2) RCR (Criminal) 453'.***

6. Notice of motion.

7. Mr. Harkanwarjeet Singh, AAG, Punjab, present in the Court accepts notice and contends that in view of judgments of the Hon'ble Supreme Court in ***'Balmukund Singh Gautam versus State of Madhya Pradesh and anr. 2026 INSC 157',*** Hon'ble Kerala High Court in ***'T. Moosa and etc. etc. versus Sub Inspector of Police, Vadakara Police Station, Ernakulam and etc. 2006(3) RCR (Criminal) 221'*** and the judgment of the Hon'ble Orissa High Court in ***'Deepak Oram versus State of Orissa, 2024 CriLJ 1313',*** proceedings qua an absconding accused

cannot be quashed even though his co-accused has been acquitted. Therefore, the present petition is liable to be dismissed.

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

9. In ***'Balmukund Singh Gautam versus State of Madhya Pradesh and anr. 2026 INSC 157',*** the Hon'ble Supreme Court refused to grant anticipatory bail to an accused even though his co-accused had been acquitted. The relevant extract of the said judgment is as under:-

> *16. Be that as it may, on the strength of the acquittal of the co-accused persons named in the Subject FIR, the Accused preferred his third anticipatory bail application, being MCRC No.1047 of 2024, before the High Court.*
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> *17. The High Court has disposed of the said application, by way of the Impugned Order, directing the Accused to surrender before the trial Court and move a Regular Bail and further, that the trial Court shall grant bail to the Accused on the same day after imposition of the adequate conditions.*
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> *XXXX XXXX XXXX*
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> *40. In the given facts and circumstances of the present case, the Subject FIR lodged by the original complainant against fourteen accused persons, including the Accused, contained serious allegations wherein one of the companions of the original complainant died due to the gunshots, and others received grievous injuries. The Cross FIR is also on record from the side of the co-accused Chandan Singh against nine persons including the original complainant. However, it is not in dispute that the Accused has been absconding from the date of the incident, i.e., 02.06.2017, and has never cooperated with*

the investigation; thus, the conduct of the Accused throughout the entire investigation has been highly questionable.

41. It is only in the year 2019, i.e., after 2 years, that the Accused filed his first anticipatory bail before the Sessions Judge, Bhopal, and in between this period, the police authorities have also announced the reward for the arrest of the Accused, but the Accused could not be arrested, as he was not traceable by the police.

42. Even the aforesaid letters dated 17.07.2017 and 20.07.2017 were exchanged by the police authorities with a view to initiate proceedings under Sections 82 and 83 of the CrPC. It is to be noted that the High Court, vide order dated 11.02.2020, while dismissing the second application for anticipatory bail filed by the Accused, stated that the Accused was a proclaimed offender, but there is no material on record placed before us to categorically establish that the absconding Accused was, in fact, declared a proclaimed offender. Nonetheless, this circumstance also does not ensure to the benefit of the Accused for claiming anticipatory bail, particularly when he himself failed to cooperate with the investigation.

43. In this regard, this Court in the case of Vipan Kumar Dhir v. State of Punjab and Another, reported in (2021) 15 SCC 518 held that:

> "14. Even if there was any procedural irregularity in declaring the respondent-accused as an absconder, that by itself was not a justifiable ground to grant pre-arrest bail in a case of grave offence, save where the High Court, on perusal of the case diary and other material on record, is prima facie satisfied that it is a case of false or over-exaggerated accusation. Such being not the case here, the

> High Court went on a wrong premise in granting anticipatory bail to the respondent-accused."

44. It is thus a trite position that an absconder is not entitled to the relief of anticipatory bail as a general rule, however, in certain exceptional cases, where on a perusal of the FIR, case diary and other relevant materials on record, the Court is of the prima facie opinion that no case is made out against the absconding accused, then the power of granting anticipatory bail may be exercised in favour of the absconding accused. However, no such exceptional case is made out in favour of the Accused as per the documents on record.

45. Taking note of all these aspects, we are of the view that the High Court in the Impugned Order has not rightly exercised the discretion to grant the anticipatory bail, as it was not a fit case in which the discretion of granting anticipatory bail could be exercised. The Accused was a member of the mob, as disclosed in the Subject FIR, and has not only absconded from the investigation but has also threatened to kill the injured victim Shailendra alias Pintu, who was also the eye witness in respect of the Subject FIR, for opposing his bail application, and this fact can also be corroborated by the registration of FIR No.272/2019 dated 10.05.2019 against the Accused.

46. Further, as per the documents on record placed before us, the Accused also has criminal antecedents, i.e., Crime No.07/2010, 217/2017, 155/2017, and 217/2019, which cannot be brushed aside lightly, as they have an extreme adverse impact on society. Even in the order dated 27.08.2021, the 22nd Additional Sessions Judge and Special Judge (MP and MLA), Bhopal provided security to the injured victim Shailendra alias Pintu due to the threat by the Accused. The firearms also have

not been recovered from the Accused or seized by the police till date.

47. Furthermore, on account of subsequent developments, the ground raised by the Accused that other co-accused in the Subject FIR have been acquitted by the trial Court vide judgment dated 24.06.2023 does not ipso facto entitle him to the relief of anticipatory bail on the ground of parity, particularly when the Accused himself failed to cooperate with the Court and delayed the trial of the other co-accused by absconding. Moreover, the accusations against the Accused have not been tried yet and are required to be independently examined and decided in the course of a separate trial.

48. In this regard, the full Bench of the Kerala High Court, in the case of Moosa v. Sub Inspector of Police, reported in 2005 SCC Online Ker 605, had occasion to discuss the question of whether an absconding accused can seek quashing of the criminal proceedings pending against him, when the co-accused have been finally acquitted by the trial Court. The full Bench held this as impermissible on the grounds that in a trial against the co-accused, the prosecution is neither called upon nor expected to adduce evidence against the absconding accused, thus, the acquittal, or conviction for that matter, of the co-accused cannot have any bearing on the absconding accused. The relevant portion of Moosa (supra) is reproduced hereinbelow:

> "53. [....] In the light of the above discussions, we may summarise the legal position as follows:
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> **xxx**
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> (v) In a trial against the co-accused the prosecution is not called upon, nor is it expected to adduce evidence against

> the absconding co-accused. In such trial the prosecution cannot be held to have the opportunity or obligation to adduce all evidence against the absconding co-accused. The fact that the testimony of a witness was not accepted or acted upon in the trial against the co-accused is no reason to assume that he shall not lender incriminating evidence or that his evidence will not be accepted in such later trial.
>
> **xxx**
>
> (viii) While considering the prayer for invocation of the extraordinary inherent jurisdiction to serve the ends of justice, it is perfectly permissible for the court to consider the bona fides the cleanliness of the hands of the seeker. If he is a fugitive from justice having absconded or jumped bail without sufficient reason or having waited for manipulation of hostility of witnesses, such improper conduct would certainly be a justifiable reason for the court to refuse to invoke its powers under S. 482 of the Code of Criminal Procedure.
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> (ix) The fact that the co-accused have secured acquittal in the trial against them in the absence of absconding co-accused cannot by itself be reckoned as a relevant circumstance while considering invocation of the powers under S. 482 of the Code of Criminal Procedure. [...]"
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> **(Emphasis supplied)**

49. Although the aforesaid case dealt with quashing of the proceedings entirely, the rationale applied therein can be instrumental in the present case, for the reason that the High Court, by way of the Impugned Order, granted anticipatory bail to the Accused solely based on the fact that the prosecution failed to produce any cogent evidence proving the involvement of the accused persons named in the Subject FIR, in the alleged offence. The High Court also took note of certain findings recorded in favour of the Accused by the trial Court in its judgment dated 24.06.2023 acquitting the co-accused. However, the said consideration is completely erroneous and perverse in an anticipatory bail application, especially when

the Accused had been absconding for about 6 years and made a mockery of the judicial process. In view of such circumstances, the Accused cannot be permitted to en-cash on the acquittal of the co-accused persons. Further, the High Court failed to consider that any finding recorded by the trial Court either against or in favour of the absconding Accused is wholly irrelevant for the purpose of deciding the bail application as the prosecution was not required to produce any evidence against the absconding Accused during the trial of the co-accused persons, in view of the judgment in Moosa (supra).

50. It is apposite to mention that granting the relief of anticipatory bail to an absconding accused person sets a bad precedent and sends a message that the law-abiding co-accused persons who stood trial, were wrong to diligently attend the process of trial and further, incentivises people to evade the process of law with impunity.

10. In ***'T. Moosa and etc. etc. versus Sub Inspector of Police, Vadakara Police Station, Ernakulam and etc. 2006(3) RCR (Criminal) 221',*** the Full Bench of the Kerala High Court held that an absconding accused cannot claim the benefit of acquittal of his co-accused by invoking Section 482 Cr.P.C. The relevant extract of the said judgment is as under:-

52. To quash the proceeding after referring to the overt act of the petitioner with reference to the evidence tendered in the judgment rendered in a case of a co-accused who faced the trial and based on evidence therein case of the accused cannot be done as the judgment in the earlier case is not judgment relevant within the meaning of Sections 40 to 44 of the Evidence

Act. To do so will be in the realm of appreciation of the evidence which has to be done by the trial Judge. In the above view, with great respect we cannot agree with the proposition of law thus stated in Arunkumar's case. The acquittal of some of the co-accused based on appreciation of evidence in their case is no ground to bar a criminal trial as the appreciation by the concerned Judge in a criminal trial is not binding when the latter case is tried in the case of the other co-accused and it is for the learned trial Judge to appreciate the evidence adduced in the latter case. In that regard possibly a particular witness may or may not be believed and his reliability may also be tested in the light of what he has stated in the earlier case etc. But those are all matters for the trial Judge to do. All that we want to say is that it will not preclude the trial of the case for the mere reason that the co-accused were acquitted. This is the principle that is stated by the Apex Court in Megh Singh v. State of Punjab, (2004 SCC Crl 58 : 2003 CriLJ 4329); Gorle S. Naidu v. State of A.P., (AIR 2004 Supreme Court 1169 : 2004 CriLJ 924) etc. Further, as held by the Apex Court in Rajan Rai's case (2005(7) Supreme 459 : 2006 CriLJ 163) the judgment in the case of the co-accused is not at all a judgment relevant within the meaning of Sections 40 to 44 of the Evidence Act. The rule of estoppel as held by the Apex Court is a rule of admissibility of evidence and which does not bar the trial as such. Hence, it has to be held that the power under Section 482, Criminal Procedure Code cannot be invoked to prevent the trial of the petitioners/accused solely by referring to the overt act played by the accused as spoken to by the witnesses in the case of the co-accused and this Court cannot in exercise of its jurisdiction under Section 482, Criminal Procedure Code quash

the proceedings and prevent the trial. Hence, the dictum laid down in Arunkumar's case to the extent it has taken a contrary view of what is stated above, is not a correct law and the same is overruled.

53. In the light of the above discussions, we may summarise the legal position as follows:

(i) The inherent powers of the High Court reserved and recognised under Section 482 of the Code of Criminal Procedure are sweeping and awesome; but such powers can be invoked only -

(a) to give effect to any order passed under the Code of Criminal Procedure or

(b) to prevent abuse of process of any Court or

(c) otherwise to secure the ends of justice.

Such powers may have to be exercised in an appropriate case to render justice even beyond the law.

(ii) Considering the nature, width and amplitude of the powers, it would be unnecessary, inexpedient and imprudent to prescribe or stipulate any straight jacket formula to identify cases where such powers can or need not be invoked.

(iii) But such powers can be invoked only in exceptional and rare cases and cannot be invoked as a matter of course. Where the Code provides methods and procedures to deal with the given situation, in the absence of exceptional and compelling reasons, invocation of the powers under Section 482 of the Code of Criminal Procedure is not necessary or permissible.

(iv) The fact that an accused can seek discharge/dropping of proceedings/acquittal under the relevant provisions of the Code in the normal course would certainly be a justifiable reason, in the absence of exceptional and compelling reasons, for the High Court not invoking its extraordinary powers under Section 482, Criminal Procedure Code

(v) In a trial against the co-accused the prosecution is not called upon, nor is it expected to adduce evidence against

the absconding co-accused. In such trial the prosecution cannot be held to have the opportunity or obligation to adduce all evidence against the absconding co-accused. The fact that the testimony of a witness was not accepted or acted upon in the trial against the co-accused is no reason to assume that he shall not tender incriminating evidence or that his evidence will not be accepted in such later trial.

(vi) On the basis of materials placed before the High Court in proceedings under Section 482 of the Code of Criminal Procedure (which materials can be placed before the Court in appropriate proceedings before the subordinate Courts) such extraordinary inherent powers under Section 482 of the Code of Criminal Procedure cannot normally be invoked, unless such materials are of an unimpeachable nature which can be translated into legal evidence in the course of trial.

(vii) The judgment of acquittal of co-accused in a criminal trial is not admissible under Sections 40 to 43 of the Evidence Act to bar the subsequent trial of the absconding co-accused and cannot, hence, be reckoned as a relevant document while considering the prayer to quash the proceedings under Section 482, Criminal Procedure Code Such judgments will be admissible only to show as to who were the parties in the earlier proceedings or the factum of acquittal.

(viii) While considering the prayer for invocation of the extraordinary inherent jurisdiction to serve the ends of justice, it is perfectly permissible for the Court to consider the bonafides - the cleanliness of the hands of the seeker. If he is a fugitive from justice having absconded or jumped bail without sufficient reason or having waited for manipulation of hostility of witnesses, such improper conduct would certainly be a justifiable reason for the Court to refuse to invoke its powers under Section 482 of the Code of Criminal Procedure.

(ix) The fact that the co-accused have secured acquittal in the trial against them in the absence of absconding co-accused cannot by itself be reckoned as a relevant circumstance while considering invocation of the powers under Section 482 of the Code of Criminal Procedure.

> (x) A judgment not inter parties cannot justify the invocation of the doctrine of issue estoppel under the Indian law at present.
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> (xi) Conscious of the above general principles, the High Court has to consider in each case whether the powers under Section 482 of the Code of Criminal Procedure deserve to be invoked. Judicial wisdom, sagacity, sobriety and circumspection have to be pressed into service to identify that rare and exceptional case where invocation of the extraordinary inherent jurisdiction is warranted to bring about premature termination of proceedings subject of course to the general principles narrated above.

11. The Hon'ble Orissa High Court in ***'Deepak Oram versus State of Orissa, 2024 CriLJ 1313',*** in a case wherein discharge was sought on the grounds that the co-accused had been acquitted, held as under:-

> *18. In the trial of the co accused, the prosecution does not have the opportunity or obligation to adduce all evidence against the absconding co-accused. The fact that the testimony of a witness was not accepted or acted upon in that trial against the co-accused is no reason to assume that such witness shall not tender incriminating evidence or that his evidence will not be accepted in such later trial. It may be possible that a witness may not have come to the witness box or having come, may not have deposed against the accused persons in the trial for a variety of reasons including false implication, threats from absconding accused or failure to recollect the incident. But this does not mean that such a witness will never implicate the accused in the subsequent trial. Similarly a witness who has not come to the witness box in the first trial, may appear and depose against an accused who has not faced the previous trial.*
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> *XXXX XXXX XXXX*

20. While considering the prayer of an accused for quashing of proceedings in exercise of power under Section - 482 Cr.P.C., where the chances of conviction of the accused is bleak, delay in approaching the Court may not be a ground for rejecting the application if the High Court is satisfied that allowing the proceedings to continue will be an exercise in futility and result in wastage of time and resources of the Court. But at the same time, it is open to the High Court to take into account, the bona fides and conduct of the accused who invokes exercise of the extraordinary power under Section 482 of the Cr.P.C. Whether such accused absconded or jumped bail, the reasons for doing so and whether he has waited "for manipulation of hostility of witnesses"? Conduct of an accused can be a justifiable reason for the court to refuse to exercise its power under Section 482 of the Code of Criminal Procedure.

XXXX XXXX XXXX

22. The petitioner had been arrested and released on bail during investigation of the case. As he did not appear in the case on a subsequent date i.e. 05.04.2006 NBW of arrest was issued against him. He remained at large for almost ten years. Five co accused persons who faced trial were acquitted by judgment dated 30.04.2012.This CRLMC was filed on 27.10.2016. But while the CRLMC remained pending in this Court, the case was in respect of the petitioner and one Ganga Sahu in the Court below was committed to the Court of Sessions, application filed by them for discharge was dismissed and charge has been framed against them on 20.03.2021 and summons issued to the prosecution witnesses.

> *23. In view of the facts of the case and developments which have taken place during pendency of the CRLMC and the settled position of law as discussed above, I do not consider this to be a fit case to exercise power under Section - 482 of the Crl.P.C. and quash the proceedings in C.T. Case No.2058(A) of 2004.*

12. Coming back to the facts of the instant case, it is the specific averment of the petitioner that he was regularly appearing before the Trial Court but on account of non-communication of the next date of hearing, he could not appear on 05.08.2024 on which date notice was issued to the petitioner for 07.11.2024. Later, he was declared a proclaimed person. Once, he was well aware of the proceedings pending against him, he certainly ought to be more diligent in appearing before the concerned Court. It does not lie in his mouth to say that the notice or non-bailable warrants were not served upon him or that the Court did not record the finding that he was intentionally evading service. Quite to the contrary, it is the petitioner who is playing hide and seek with the Court. Further, the judgments in ***Balmukund Singh Gautam (supra), T. Moosa and etc. etc. (supra) and Deepak Oram (supra)*** are clear and categoric to the effect that an absconding accused cannot be granted the concession of anticipatory bail or cannot get his FIR quashed where his co-accused has faced Trial and has been acquitted.

13. The judgment in ***Sudo Mandal @ Diwarak Mandal (supra)*** wherein the proceedings pending against the absconding accused had been quashed as the co-accused had been acquitted would be *per incuriam* as it has been passed without noticing the law laid down in ***T. Moosa and etc. etc. (supra).*** Further, in ***Balmukund Singh Gautam (supra),*** which is a most recent pronouncement of the Hon'ble Supreme Court, even anticipatory bail has been denied to an absconding accused even though his co-accused had been acquitted.

14. The instant case is one of quashing of the FIR on the grounds that the co-accused has been acquitted which cannot be allowed in view of the law laid down in ***Balmukund Singh Gautam (supra), T. Moosa and etc. etc. (supra) and Deepak Oram (supra).***

15. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

16. The pending application(s), if any, shall stand disposed of accordingly.

March 23, 2026 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No