



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011086002025
+ **CRL.M.C. 286/2026 & CRL.M.A. 1077/2026**
SALAMAT ANSARIPetitioner
Through: Appearance not given.
versus

STATE OF NCT OF DELHI THROUGH STANDING COUNSEL & ANR.Respondents
Through: Ms. Shubhi Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **17.08.2026**

1. The present petition has been filed for the following reliefs:

“a. Pass appropriate order/directions quashing the order dated 27.05.2017 passed by the Ld. MM – 03, Saket Courts, South, Delhi under Section 82 of the Code of Criminal Procedure, 1973 declaring the Petitioner as an absconder.

b. Pass an Order requisitioning lower court record of the Criminal Proceeding bearing no. CR Cases 2035362 of 2016 registered on the basis of the FIR bearing No. 218 of 2015 at P.S – Neb Sarai, South District, Delhi. c. Pass any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Learned counsel appearing for the petitioner submits that the petitioner has been declared a Proclaimed Absconder (**PA**) behind his back. He has never been served with the notice as required before declaring him as a PA. In para 'e' of pages. 20-21, the petitioner has taken the following position:

“e. That the NBW's issued vide order dated 15.04.2015 could not get executed and the Investigating Officer submitted a report to the Ld. MM, whereby it was submitted that the NBW issued against the Petitioner herein on 15.04.2015, could not be executed as the Petitioner herein could



not be traced at the address and accordingly, a request was made to issue fresh NBW's against the Petitioner herein. It is necessary to point out herein that the Petitioner could not be traced at the given address for the only reason that he was not residing there for a long period of time, however, this crucial aspect was completely overlooked in the said report. Thereafter, on the basis of the said report, the Ld. MM in a routine and mechanical manner issued a fresh NBW against the Petitioner vide a completely unreasoned Order dated 26.05.2015. It is submitted that while issuing fresh NBW, the Ld. MM completely failed to appreciate that the Petitioner herein could not be traced at his residential address as he was not residing at the said address for a long period of time and therefore, he was not concealing himself or was evading his arrest. Furthermore, it is also pertinent to point out herein that the said NBWs were issued without issuing any bailable warrants or any court notice and therefore, it is submitted that the issuance of the said NBWs was ex-facie illegal and arbitrary.

A True Copy of the report dated 25.05.2015 explaining reasons for non-execution of the NBW filed by the Investigating Officer is annexed herewith and marked as ANNEXURE- P/5.

A copy of the order dated 26.05.2015 of Ld. Metropolitan Magistrate – 03, South District, Saket Court, Delhi is annexed herewith and marked as ANNEXURE- P/6.”

3. On the last date, the Court had directed the petitioner to appear before the Investigating Officer [IO]. The order dated 03.08.2026, passed by this Court, is extracted as under:

“1. Learned counsel appearing for the applicant submits that notice for his appearance was not properly served and, without prejudice to all his submissions, he undertakes to appear before the concerned Investigating Officer [IO].

2. In view of the aforesaid, the applicant is directed to appear before the IO on 12.08.2026 at 11:00 AM. The applicant shall carry proof of his present place of residence.

3. Let the IO interrogate him and submit a fresh status report on the next date of hearing.

4. List on 17.08.2026.”

4. Pursuant thereto, the petitioner has appeared and has furnished the following information to the Investigating Officer:

“1. That the present matter was listed before the Hon'ble High Court on 03.08.2026.



2. That the Hon'ble Court directed the petitioner, namely Salamat Ansari, to appear before the Investigating Officer (IO) on 12.08.2026 at 11:00 AM. In compliance with the said direction, the petitioner Salamat Ansari appeared before the undersigned on 12.08.2026. During the proceedings, the petitioner stated that he has been residing for the last 13 years at Haji Miyan, House No. 1393, Main Road, near Rice Mill, Saharpura, Post Bena, District Jamtara, Jharkhand. In support of the said address, the petitioner produced an electricity bill for the month of July 2026. He also produced his Aadhaar Card, wherein the same address is mentioned upon which proceedings of Proclaimed Offender (PO) were completed. The petitioner further stated that since 2013, he has been working as a contractor and has been providing labourers for construction sites in Madras/Chennai, West Bengal and Bihar.

3. During interrogation, the petitioner stated that accused Sahbaz Ansari belongs to his village and that he has known him since childhood. He further stated that accused Imran is a friend of Sahbaz Ansari. The petitioner disclosed that in February 2015, he had taken 3-4 mobile phones from accused Sahbaz Ansari, for which the bills were in the name of accused Sahbaz Ansari. He further stated that he subsequently sold the said mobile phones to some labourers working under him at a higher price. The report is being submitted before the Hon'ble Court for kind perusal.

However, the undersigned is ready and willing to follow any direction/order passed by the Hon'ble Court.”

5. Under these circumstances, and in the absence of there being any proof of service on the petitioner's address, where the petitioner was actually residing, the order of declaring the petitioner as PA stands set aside.

6. The petitioner shall continue to cooperate with the IO and, if necessary, to apply for anticipatory bail/regular bail. All those aspects are left open.

7. Petition along with pending application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 17, 2026/P