

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 640/2026

Purvinder Paul Singh

.....Appellant(s)/Petitioner(s)

Through: Mr. Ajay Bakshi, Advocate

vs

UT of J&K

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

24.06.2026

1. The petitioner is aggrieved of the proceedings initiated against him under Section 299 of the Code of Criminal Procedure, arising out of FIR No. 60/2017 registered at Police Station Akhnoor for offences punishable under Sections 420, 417 and 471 RPC.
2. Learned counsel for the petitioner submits that the petitioner had initially been appearing before the trial Court on a regular basis. It is contended that during the COVID-19 pandemic, his personal appearance was exempted by the trial Court. Thereafter, according to the petitioner, the counsel who was representing him failed to keep him informed about the subsequent proceedings and, in his absence, the trial Court passed the order dated 13.09.2022 directing initiation of proceedings under Section 299 CrPC.
3. It is further submitted that the mandatory procedure prescribed by law was not followed before resorting to proceedings under Section 299 CrPC. Learned counsel contends that neither were warrants issued and duly served upon the petitioner, nor were proceedings under Sections 82 and 83 CrPC initiated for securing his presence.

4. Heard learned counsel for the petitioner and perused the record. During the course of arguments, learned counsel placed reliance upon *AIR 2025 SC 3431* to contend that before declaring an accused a proclaimed offender or proceeding on the premise that he is absconding, the Court is required to exhaust all statutory measures available for securing his presence.
5. The submissions advanced on behalf of the petitioner merit consideration. A perusal of the impugned order reveals that although the trial Court recorded its satisfaction on the basis of a statement made by a police official to the effect that the whereabouts of the petitioner were not known, the order is conspicuously silent as to whether any recourse was taken to proclamation proceedings or other statutory measures contemplated under law for securing the personal appearance of the petitioner.
6. Having regard to the submissions made at the Bar and upon examination of the impugned order, this Court is of the view that the petitioner has made out a case warranting interference in exercise of powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita. The impugned order suffers from legal infirmity and has caused serious prejudice to the rights of the petitioner. Had the trial Court exhausted the statutory procedure prescribed for securing the presence of the accused, the petitioner would have had an opportunity to appear before the Court and participate in the proceedings.
7. Consequently, the impugned order dated 13.09.2022 is set aside. The petitioner shall surrender before the trial Court within a period of fifteen (15) days from today. Till such surrender, no coercive steps, including arrest, shall be taken against the petitioner for securing his presence. Upon

his surrender, it shall be open to the trial Court to proceed in the matter strictly in accordance with law.

8. The petition stands ***disposed of*** along with all connected applications, if any.

(Sanjay Parihar)
Judge

Jammu
24.06.2026
Mahavir

