



CRM-M-21894-2025 1

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

247

CRM-M-21894-2025 (O&M)

Date of Decision: 08.07.2025

Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present:** Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J.(Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 16.01.2025 (Annexure P-2), passed by learned Additional Sessions Judge, Jalandhar, vide which petitioner has been declared as proclaimed offender in case bearing FIR No.118 dated 12.12.2012, under Sections 336, 307, 212 and 216 read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Lambra, Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner was granted concession of anticipatory bail in afore-stated FIR by the learned trial Court and he was regularly appearing before the trial Court. He submits that the petitioner had inadvertently noted the date of hearing as 08.12.2024 instead of 08.11.2024, leading to his non-appearance and subsequent cancellation of his bail and initiation of PO proceedings. It is contended that summons were never executed against the petitioner, and thus he was unaware of present proclamation proceedings against him. Learned counsel submits that there was no *mala fide* intention on behalf of the petitioner to evade service or conceal himself, and that the petitioner is



CRM-M-21894-2025 2

ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon him by the trial Court.

3. Heard.
4. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure, 1973 is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed *qua* the accused. If the petitioner/accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.
5. In view of the above, the present petition is allowed. Order dated 16.01.2025 (Annexure P-2) along with proceedings emanating therefrom are hereby set aside **subject to payment of cost of Rs.15,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh** within 10 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court within 15 days and file appropriate application for bail along with receipt of payment of cost. The trial Court would release the petitioner on bail on the same bail bonds and surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to comply with the aforesaid direction within stipulated period then this order would be of no avail to the petitioner.
6. Pending application(s), if any, shall also be disposed of accordingly.