

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

**CRM-M-35772-2025 (O&M)
Date of Decision: 22.8.2025**

Akashdeep and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.P. Dhir, Advocate
for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Ms. Ekta Thakur, Advocate with
Ms. Shikha, Advocate for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 18.12.2024 (Annexure P-1) passed by learned Addl. Chief Judicial Magistrate, Hoshiarpur, whereby petitioner No.1 has been declared a proclaimed person in case bearing FIR No.124 dated 12.07.2021, under Sections 406 and 498-A of IPC, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioners submits that bailable warrants of arrest issued against the petitioner No.1, were received back unexecuted, whereupon vide order dated 04.07.2024 (Annexure P-6), petitioner No.1 was ordered to be served through proclamation under

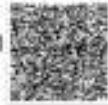


Section 82 Cr.P.C. Subsequently, vide impugned order dated 18.12.2024 (Annexure P-1), passed by the learned Magistrate concerned, petitioner No.1 was declared a proclaimed person. The learned counsel further submits that petitioner No.1 was neither legally and validly served at any stage of the proceedings at his correct foreign address at Poland by adopting proper procedure through the concerned Embassy nor any effort to the said regard was ever made. It has also been submitted that petitioner No.1 was not afforded a period of 30 days to put in appearance, as mandated in Section 82 Cr.P.C. The learned counsel further submit that the matter has now been amicably settled between the parties and a petition bearing No. CRM-M-11041 of 2025 seeking quashing of the present FIR has also been preferred before this Court, which is pending adjudication. Learned counsel also submits that there was no *mala fide* intention on behalf of petitioner No.1 to evade service or conceal himself, and that petitioner No.1 is 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 No.1/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. The impugned order dated 18.12.2024 (Annexure P-1) along with proceedings emanating therefrom are hereby set aside subject to payment of cost of Rs.25,000/- by petitioner No.1 to be deposited with the Poor Patient Welfare



Fund, PGIMER, Chandigarh within 10 days from today. The petitioner No.1 after depositing the cost as stated above would appear before the trial Court within a period two months and file appropriate application for bail along with receipt of payment of cost. The trial Court would release petitioner No.1 on bail on the same bail bonds and surety bonds. No coercive action would be taken against petitioner No.1 till then. In case, petitioner No.1 fails to comply with the aforesaid direction within stipulated period then this order would be of no avail to petitioner No.1.

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

(KIRTI SINGH)
JUDGE

August 22, 2025
Ithlesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No