



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

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CRM-M-36222-2025

Date of decision: July 11th, 2025

Vikas Kumar

.....Petitioner

Versus

CBI, SCB Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sartej Singh Narula, Advocate
with Mr. Rohit Kumar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

The present petition has been filed under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of the order dated 10.06.2025 annexed as (Annexure P-10), passed by learned Special Judicial Magistrate, CBI, Punjab, Mohali, whereby proceedings under Section 84 of the BNSS were initiated against the petitioner.

2. Learned counsel appearing for the petitioner has vehemently assailed the impugned order on the ground that it suffers from patent illegality and arbitrariness. Drawing attention to the order dated 05.05.2025 (Annexure P-5), it is contended that notices were not issued to the petitioner personally and were instead effected through family members or via electronic means such as WhatsApp and email. It is submitted that such mode of service cannot be deemed sufficient to justify the initiation of proceedings under Section 84 of the BNSS.

3. Learned counsel further contends that despite being aware of the pendency of a pre-arrest bail application moved by the petitioner, the learned trial Court proceeded to initiate proclamation proceedings, thereby demonstrating a mechanical and precipitate approach. He submits that there has been no conscious evasion of process on the part of the petitioner and that no finding has been recorded by the learned trial Court that the petitioner had absconded or was deliberately avoiding appearance, as is mandatorily required under Section 84 of the BNSS.

4. Reliance has been placed by the learned counsel on ***Manish Jain Versus State of Haryana 2005 (10) SCC 114*** to assert that the initiation of proclamation proceedings without due compliance of procedural safeguards is legally untenable.

5. Notice of motion.

6. Mr. Ravi Kamal Gupta, Special Public Prosecutor, CBI, accepts notice on behalf of the respondent and Mr. P.S. Ahluwalia, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

7.. *Per contra*, learned Special Public Prosecutor for the CBI assisted by learned counsel for the complainant has strenuously opposed the prayer and submissions made by the counsel opposite by arguing that the conduct of the petitioner reflects a pattern of evasion and disregard for the authority of the trial Court. It is submitted that the petitioner, despite being duly served with summons, failed to appear on 29.03.2025.

8. Learned Special Public Prosecutor for the CBI further points out that in view of the persistent non-appearance of the petitioner,

bailable warrants were issued on 05.05.2025, followed by non-bailable warrants on 09.06.2025. Notwithstanding these repeated directions, the petitioner neither appeared before the trial Court nor complied with the orders, instead choosing to move an anticipatory bail application, which remains pending solely due to his own failure to appear and press the same.

9. It is thus submitted that the initiation of proceedings under Section 84 of the BNSS are fully justified and legally tenable, as the petitioner has willfully avoided the process of law. A prayer has, therefore, been made by the learned counsel for the respondent as well as the complainant for dismissal of the instant petition.

10. I have heard learned counsel for the parties and perused the relevant material on record.

11. The material on record clearly reveals that the petitioner was summoned on 29.03.2025 and that subsequent bailable and non-bailable warrants were issued on 05.05.2025 and 09.06.2025 respectively. Despite these opportunities, the petitioner failed to appear before the trial Court. The application filed by the petitioner for anticipatory bail also remains unaddressed solely due to his own non-appearance, a fact not denied by the learned counsel for the petitioner.

12. The argument regarding non-personal service of summons does not hold much weight in the present context. The learned trial Court rightly proceeded on the basis of service through family members and electronic means, a practice which, under prevailing procedural norms and judicial precedence, has been recognized as valid in circumstances where the accused avoids personal service.

13. Moreover, the requirement under Section 84 of the BNSS is that the court should have reason to believe that the petitioner has absconded or is concealing himself so that the warrant cannot be executed. From the repeated defaults by the petitioner and his failure to act upon the legal processes issued against him, the learned trial court was well within its jurisdiction to infer that the petitioner was willfully avoiding appearance.

14. The contention that the trial Court did not explicitly record a finding of absconding is unfounded. The cumulative effect of the judicial orders and the reasoning expressed therein demonstrate due compliance with the mandate of Section 84 of the BNSS. The reliance on *Manish Jain's case (supra)* is misplaced in the factual context of the present case, where the conduct of the petitioner has been evasive and non-cooperative throughout.

15. This Court, therefore, finds no legal or procedural infirmity in the impugned order dated 10.06.2025 annexed as (Annexure P-10), passed by learned Special Judicial Magistrate, CBI, Punjab, Mohali. The petitioner, having consistently failed to cooperate with the proceedings, cannot now claim the benefit of procedural protections, which he himself has chosen to ignore.

16. Accordingly, the present petition stands dismissed.

July 11th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No