



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

231+109-2

CRM-M-40647-2024 (O&M)

Date of decision : 15.02.2025

Kuldeep Singh

....Petitioner

V/S

State of Punjab and another

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shehbaz Thind, Advocate for the applicant/petitioner.

Mr. Yuvraj Singh Tiwana, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)**CRM-5334-2025**

Prayer in the instant application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for substituting the Power of Attorney holder in the present petition.

It has been averred in the application that earlier the petition was filed through the mother of the petitioner Smt. Baljinder Kaur who unfortunately died on 13.10.2024 which necessitated for filing the instant application and the petitioner is now executed a new General Power of Attorney in favour of his younger brother namely Jotparkash Singh who will look after the Court proceedings.

Notice in the application.

Mr. Yuvraj Singh Tiwana, A.A.G., Punjab accepts notice on behalf of respondent No.1-State.

Mr. Lakshya Goyal, Advocate has put in appearance on behalf of respondent No.2 and filed his power of attorney in the Court

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which is taken on record.

Learned State counsel and learned counsel for respondent No.2 have no objection to the prayer made in the application.

Consequently, the instant application is allowed and the petitioner is allowed to substitute his brother namely Jotparkash Singh as new General Power of Attorney Holder.

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1. The petitioner has filed the instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 07.08.2015 (Annexure P-2) passed by learned Judicial Magistrate First Class, Ludhiana in FIR No.100 dated 18.09.2014 registered under Sections 406 & 498-A of IPC at Women Police Station, District Ludhiana, whereby the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner submits that FIR in the present case was registered on 18.09.2014 against the petitioner and other family members of the petitioner and at that point of time, the petitioner was in Italy. He submits that since no service of any notice/summon was effected upon the petitioner, therefore, he could not appear either before the Police Authorities or before the Trial Court. He submits that the matter has been compromised between the parties and a separate petition bearing CRM-M No.40644 of 2024 has also been filed by the petitioner for quashing of the present FIR on the basis of compromise arrived at between the parties. He further submits that the petitioner is ready and willing to join the trial proceedings if sufficient time is granted to him to join the proceedings.



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3. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.
4. Learned counsel for respondent No.2 submits that since the matter has been compromised, therefore he has no objection to the innocuous prayer made by learned counsel for the petitioner.
5. I have heard learned counsel for the parties and perused the relevant documents.
6. Let the petitioner appear before the Trial Court within a period of 08 weeks from today and on his appearance, he shall be released on bail on furnishing of bail/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate, concerned.
7. It is made clear that the petitioner shall not be arrested within a period of 08 weeks from today. However, in the event of non-compliance of this order, the order dated 07.08.2015 (Annexure P-2) would remain intact.
8. The petition is disposed of in the above terms.
9. Pending application(s), if any, shall stand(s) disposed of accordingly.

15.02.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No