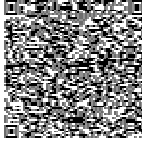


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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.249

**CRM-M-43838-2024(O&M)
Date of decision : 08.01.2025**

Kunal Chawla

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jasmeet Singh Ghumman, Advocate, for the petitioner.

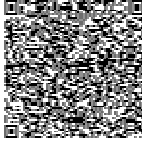
Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 BNSS, 2023 for quashing the impugned order dated 07.05.2024 (Annexure P6) whereby the petitioner was declared as proclaimed person in case FIR No.187 dated 22.10.2020, registered at Police Station Navi Baradari, District Police Commissionerate Jalandhar, under Sections 352, 354-C, 506, 341, 509 and 201 IPC.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner had suffered hip surgery and had to undergo a surgery in year 2022 and he was bed ridden during this period. He was relied on medical record Annexure P/2. He further submits that the proclamation was issued against the petitioner vide order dated 29.01.2024 and the petitioner was declared a proclaimed person vide order dated 07.05.2024, however, the proclamation was never served upon the petitioner. The parties had settled the dispute and filed a petition bearing No.CRM-M-52548-2022 and was under an impression that his

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is ready to appear before the learned trial Court and abide by all the terms and conditions imposed upon them by the trial Court.

3. On the other hand, learned State counsel has opposed the present petition and has submitted that the learned trial Court has correctly been issued proclamation against the petitioner.

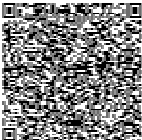
4. Heard.

5. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure 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 accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. The petitioner is ready to appear before the learned trial Court and face the trial. This Court finds that no useful purpose will be served by sending the petitioner in custody when he is ready to join the proceedings before the Court.

7. In view of the above, the present petition is allowed and order dated 07.05.2024 (Annexure P6) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court concerned on the next date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on furnishing his bail bonds/surety bonds. No coercive action would be taken against the petitioner till the next

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date fixed. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Registry is directed to send back the original Lower Court record to the trial Court concerned.

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

(KIRTI SINGH)
JUDGE

08.01.2025
Ramandeep Singh

Whether speaking / reasoned Yes/No

Whether Reportable Yes/No