



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

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**CRM-M No.46578 of 2024
Date of decision: 07.08.2025**

AVTAR SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Rishav Jain, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. D.A.G., Punjab.

Mr. K.S. Sidhu, 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 14.03.2016 (Annexure P-9), whereby the petitioner has been declared a proclaimed person in case bearing complaint No.3 dated 31.01.2012 bearing registration No.184 of 2012, under Sections 366, 376, 420, 465, 467, 468, 471, 120-B of IPC passed by learned Sub Divisional Judicial Magistrate, Moonak.

2. Learned counsel for the petitioner submits that non-bailable warrants of arrest issued against the petitioner in the aforesaid complaint case, were received back unexecuted, whereupon proclamation proceedings were initiated against the petitioner. It is the submission of the learned counsel that the petitioner whose last visit to India was from 04.04.2013 to 13.05.2013, was not duly served in compliance to the provisions under Sections 82 and 105 Cr.P.C. It is submitted that the petitioner was, at the time when he was summoned vide order dated 20.10.2014, residing in Italy, from where he shifted to Germany in 2015 and has been residing there ever since. Learned counsel also submits that there was no



mala fide intention on behalf of the petitioner to evade service or conceal himself, and that the petitioner 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/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 14.03.2016 (Annexure P-9) and consequential proceedings emanating therefrom are hereby set aside, **subject to payment of cost of Rs. 50,000/-** by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh. The petitioner after depositing the cost as stated above would appear before the trial Court within 30 days from the date of this order. In case, an application for bail is filed by the petitioner, the same would be decided on the same date. It is made clear that if the petitioner fails to deposit the aforesaid cost and surrender within the stipulated period of 30 days from the date of this order, then this order would be of no avail to the petitioner.

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

(KIRTI SINGH)
JUDGE

07.08.2025
Jyoti-IV

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