



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

(133)

**CRM-M-47061-2025
Date of Decision: 08.9.2025**

Paramjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the impugned orders, passed by learned Additional Sessions Judge-cum-FTC (POCSO) Jalandhar, dated 21.7.2025 (Annexure P-2), whereby non-bailable warrants of arrest were issued against the petitioner, and dated 07.8.2025 (Annexure P-3), whereby proclamation under Section 84 of BNSS was issued upon the petitioner in FIR No. 72 dated 22.4.2025, under Sections 137(2), 96 of BNS, 2023 and under Section 4/17 of POCSO Act, 2012 (later on Sections 64/61(2)(A) of BNS 2023 were added) registered at Police Station Shahkot, Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner was neither present at the spot, nor she hatched any conspiracy with the other co-accused. The petitioner is an elected Sarpanch of village Budhanwal, Tehsil Shahkot and due to a political rivalry, she has been falsely implicated in the present case by the complainant. It has also been



submitted that in the present case, challan was presented on 19.6.2025 against the petitioner and other co-accused. However, neither they were made part of the investigation, nor any investigation has been conducted qua them. In fact, the petitioner was not aware about the pendency of the present FIR, and was neither served by the process server, nor any proclamation was effected upon her. The prosecution, behind the back of the petitioner, secured the warrants of her arrest. It is contended that the impugned orders have been passed by the learned trial Court in a hasty manner. The absence of the petitioner was neither intentional nor deliberate, 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. Mr. Lakhwinder Singh Mann, Advocate puts in appearance on behalf of the complainant and files his memo of appearance, which is taken on record.

4. Heard.

5. 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.

6. In view of the above, the present petition is allowed. Orders dated 21.7.2025 (Annexure P-2) and dated 07.8.2025 (Annexure P-3), along with all consequential proceedings emanating therefrom are hereby set aside, subject to payment of cost of Rs. 20,000/- by the petitioner to be deposited with the ***Punjab State Legal Services Authority-Disaster Relief Fund, Account No. 44426937384, IFSC Code SBIN0014656, State Bank of***



India, Sector-68, SAS Nagar, within 10 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court within a subsequent period of one month and file appropriate application for bail along with receipt of payment of cost. The trial Court would release the petitioner on bail on her furnishing bail bonds and surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to comply with the aforesaid direction within stipulated period then this order would be of no avail to her.

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

(KIRTI SINGH)
JUDGE

September 08, 2025
Gurpreet Singh

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