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

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CRM-M-59252-2025
Date of Decision : 06.11.2025

KARAN SINGH ALIAS KARAN

.....PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Nitish Sharma, Advocate for
Ms. Gaganpreet Kaur, Advocate
for the complainant/respondent No.2.

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 dated 07.7.2025 and 04.09.2025 passed by learned Additional Sessions Judge-cum-Fast Track Court, Fazilka, whereby warrants of arrest and subsequent proclamation was issued upon the petitioner in FIR No. 2 dated 09.01.2025, under Section 64 of BNS, 2023 and under Section 6 of POCSO Act, 2012 registered at Police Station Amir Khas, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR, which was lodged after an



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unexplained delay of 08 days on the basis of the statement of the prosecutrix. It is submitted that a cancellation report qua the petitioner was filed by the investigating agency after thorough investigation in the case, which was erroneously not accepted by the learned trial Court. It is submitted that a petition had been filed by petitioner at that time seeking anticipatory bail before this Court, in which interim protection against arrest had been granted to the petitioner vide order dated 16.09.2025. However, the petition was subsequently withdrawn to file afresh with better particulars. It was meanwhile that warrants of arrest and the subsequent proclamation was issued against the petitioner. It is submitted that 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. Status report by way of affidavit of Deputy Superintendent of Police, Homicide and Forensic Science, Fazilka, has been filed by the State, which is taken on record.

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. Orders dated 07.07.2025 (Annexure P-3) and dated 04.09.2025 (Annexure P-6), along with all consequential proceedings emanating therefrom are hereby set

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aside, subject to payment of cost of Rs. 20,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, within ten days from the date of the order. The petitioner shall, after depositing the said cost, appear before the trial Court within the period of 10 days as stipulated hereinabove, whereupon the trial Court shall decide his bail application on the same day in accordance with law. 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 him.

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

(KIRTI SINGH)
JUDGE

06.11.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No