



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

134

CRM-M-66032-2025 (O&M)

Date of decision : 09.12.2025

LOVEPREET ALIAS GOPI

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sahil Soi, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The present petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed for quashing of P.O. order dated 06.10.2025, passed by learned Addl. Sessions Judge (Duty), Jalandhar, in SC-400-2025 titled as "State V/s Lovepreet Singh alias Gopi and others" arising out of FIR No.72 dated 22.04.2025, registered under Sections 137(2) and 96 of BNS, (Sections 4 and 17 of POCSO Act, and Sections 64, 61(2) (A) of BNS added later on) at Police Station Shahkot, District Jalandhar Rural.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner was initially not named in the FIR, but was subsequently implicated as an accused on the statement of the prosecutrix, for the sole reason that he was a friend of the main accused. It is submitted that a bare perusal of the statement of the prosecutrix recorded under Section 183 of BNSS reveals that no specific allegation has been levelled against the petitioner, and neither has any specific role in the commission of the alleged offence been attributed to him. After being falsely implicated in the instant



FIR, the petitioner was wrongly declared proclaimed offender vide order dated 06.10.2025, without proper compliance of mandatory provisions of Section 82 Cr.P.C. No notice or summons was served on him and no genuine efforts were made to inform the petitioner about the pending proceedings. Neither were the non-bailable warrants nor the proclamation was served upon him at address, in compliance of Section 82 Cr.P.C. Learned counsel submits that there was no *mala fide* intention on behalf of the petitioner to evade service or conceal himself. It was only on account of not being aware of the proceedings pending against him that the petitioner did not put in appearance before the learned trial Court. However, now the petitioner wishes to appear before the Court concerned, and abide by all the terms and conditions as may be imposed upon him by the trial Court. It is also submitted that role of the petitioner is at parity with his mother, who was granted anticipatory bail by this Court vide order dated 30.09.2025 passed in CRM-M-40032-2025.

3. *Per contra*, learned State counsel, has submitted that the petitioner, despite the proclamation, has failed to appear before the trial Court and has been rightly declared a proclaimed offender vide the impugned order and in addition, the petitioner is evading the process of Court which is highly deprecated on his part and in view of above, he does not deserve the concession. Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Shahkot, Jalandhar (Rural), dated 08.12.2025 has also been filed on behalf of the State, which is taken on record.

4. Heard the submissions made by respective learned counsels for the parties.



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. Reverting to the case in hand, the mother of the petitioner, who it is contended, is at parity with the present petitioner, was granted the concession of anticipatory bail by this Court vide order dated 30.09.2025. It is the vehement submission of the learned counsel for the petitioner that the absence of the petitioner before the learned trial Court was neither willful nor intentional, and that he is willing to appear before the learned trial Court and abide by all the conditions imposed upon him.

7. In view of the foregoing discussion, the present petition is allowed and the order dated 06.10.2025 (Annexure P-5) along with proceedings emanating therefrom are hereby set aside. The petitioner is directed to appear before the learned trial Court within a week from the date of the instant order. It is directed that the bail application which would be filed by the petitioner before the Court concerned, be decided on the same day in accordance with law.

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

(KIRTI SINGH)
JUDGE

December 09, 2025

Itihlesh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No