

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(127)

CRM-M-72248-2024 (O&M)
Date of Decision: 24.12.2025

Hardeep Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:

Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.
assisted by HC Gurjeet Kaur.

Mr. Sanjay Verma, 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 27.5.2025 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, Yamuna Nagar, vide which petitioner has been declared as proclaimed person in case bearing FIR No. 123 dated 22.7.2021, under Sections 323, 406, 498-A and 506 IPC registered at Police Station Women Police Station, Yamuna Nagar. The petitioner has also sought quashing of the FIR culminating from the above said impugned order bearing FIR No. 91 dated 07.10.2025, under Section 209 of BNS, 2023 registered at Police Station Women Police Station, Yamuna Nagar.

“x x x x

Learned counsel for the petitioner submits that the marriage



between the petitioner and respondent No.2 was solemnized on 01.10.2020. Subsequently, the matrimonial disputes ensued between the parties, leading to the filing of the present FIR. It is further submitted that on 27.05.2025, the petitioner and the complainant/respondent No.2 amicably resolved all their disputes and entered into a compromise, which was duly recorded between the parties. However, on the very same day, owing to inadvertence and lack of proper communication, the petitioner was declared a Proclaimed Person by the learned Court. It is further submitted that when proceedings under Section 82 Cr.P.C. were initiated, the petitioner was not present at the address where the proclamation was issued, as he was residing in the United States of America, which is his present address. The petitioner subsequently came to know that he had been declared a proclaimed person in the present FIR. It is submitted that the petitioner had already filed a petition for quashing of the FIR on the basis of compromise, bearing CRM-M-37387 of 2025, before this Court on 15.07.2025, wherein the statements of both parties have already been recorded and the matter is now pending final adjudication.

Notice of motion.

At asking of Court, Ms. Saumya Ahluwalia, Sr. DAG, Haryana, who is present in Court, accepts notice on behalf of respondent(State), and seeks time to file reply.

List on 24.12.2025.”

2. Learned counsel for the petitioner submits that vide impugned order dated 27.5.2025 (Annexure P-2), passed by the learned Magistrate concerned, the petitioner was declared a proclaimed person. Furthermore, an FIR No. 91 dated 7.10.2025 under Section 209 of BNS, 2023, culminating from the above impugned order, has also been registered against the petitioner. 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. Per contra, the learned State counsel as well as the learned counsel for respondent No. 2 oppose the present petition.

4. Heard the rival contentions of the learned counsel 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. In view of the above, the present petition is allowed. Order dated 27.5.2025 (Annexure P-2) along with all 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 within 10 days from today. Resultantly, FIR No. 91 dated 07.10.2025, under Section 209 of BNS, 2023 registered at Police Station Women Police Station, Yamuna Nagar, which stemmed from the above impugned order, would also stand quashed qua the petitioner subject to the compliance of the aforesaid condition.

7. The petitioner after depositing the cost as stated above would appear before the trial Court within 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 his 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 the petitioner.



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

(KIRTI SINGH)
JUDGE

December 24, 2025
Gurpreet Singh

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