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

CRM-M-72673-2025

Date of Decision: 24.12.2025

GURMEET SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM : HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Fateh Sahota, 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 for quashing the impugned order dated 18.02.2025 (Annexure P-13), passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which petitioner has been declared as proclaimed person in case bearing FIR No. 110 dated 07.07.2022, under Section 498-A of the Indian Penal Code, 1860 registered at Police Station Women, Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the genesis of the instant FIR lies in the matrimonial disputes between the petitioner and the complainant/respondent No.2. In the said FIR, the petitioner was granted anticipatory bail vide order dated 17.08.2022 (Annexure P-2) passed by the



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learned Additional Sessions Judge, Ludhiana. Thereafter, the petitioner had either been appearing before the learned trial Court, or duly filing applications for exemption of his personal appearance. It is submitted that the absence of the petitioner on certain dates of hearing including on 09.08.2024 and 12.09.2024 was un-intentional and non-willful, since he was under the bona fide impression, having been assured his respectable members of his community, that the complainant would soon join his company and withdraw all the cases. This impression was re-affirmed on a miscommunication of the petitioner with his earlier counsel, whereby the petitioner was under the impression that his personal appearance was not required. Due to the said mistaken assurance by his previous counsel, the petitioner did not appear the learned trial Court, as a result of which his bail bonds and surety bonds were forfeited and nonailable warrants of arrest were issued against him on 12.9.2024. Learned counsel for the petitioner submits that the provision of Section 82 Cr.P.C. has not been complied with, as it is evident from the perusal of the annexed orders that nonailable warrants were never executed by the police due to shortage of staff due to Panchayat Election duty. However, despite the said fact, vide impugned order dated 18.2.2025 (Annexure P-13), passed by the learned Magistrate concerned, the petitioner was declared a proclaimed person. 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.



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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. Order dated 18.02.2025 (Annexure P-13) along with all consequential proceedings emanating therefrom are hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh within 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court within 15 days and file appropriate application for bail along with receipt of payment of cost. The trial Court would release the petitioner on bail on the same 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.

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

24.12.2025
ITHlesh

(KIRTI SINGH)
JUDGE

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