



CRM-M-6527-2026 (O&M)

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119

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

CRM-M-6527-2026 (O&M)

Date of decision: 06.02.2026

PARGAT SINGH AND OTHERS

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

Mr. Ramesh Sharma, Advocate for respondent Nos.2 to 4.

KIRTI SINGH, J. (ORAL)

1. The present petition under Section 528 of BNSS has been filed for quashing of proclaimed persons order dated 16.12.2025 passed by the learned JMIC-II, Kapurthala (Annexure P-10) in case bearing CHI-414-2023 in cross case bearing DDR No.25 dated 06.06.2020, registered under Sections 323, 324, 325, 506, 354-B, 379-B, 427, 148, 149 and 201 of IPC at Police Station City Kapurthala, District Kapurthala arising out of FIR No.190 dated 05.06.2020, registered under Sections 323, 506, 148, 149 and 201 of IPC, at Police Station City Kapurthala, District Kapurthala.

2. Learned counsel for the petitioners submits that the present DDR was lodged at the instance of respondent No.2. It is submitted that it is a case of version and cross-version and the petitioners have also registered an FIR against the complainant. In consequence, the complainant party has got

registered the instant DDR against the present petitioners. Thereafter, the



petitioners applied for grant of anticipatory bail which was allowed vide order dated 15.11.2021 by the learned Addl. Sessions Judge, Kapurthala. The investigation was completed and challan was presented in the FIR as also in the DDR. Thereafter, the matter has now been amicably settled, both the parties have no objection in case the present DDR and the FIR are quashed. In this regard separate petitions for seeking quashing of FIR as well as DDR have already been filed before this Court which are pending consideration for 14.05.2026. It is submitted that the petitioners were wrongly declared proclaimed persons vide order dated 16.12.2025, without proper compliance of mandatory provisions of BNSS. No notice or summons was served on them and no genuine efforts were made to inform the petitioners about the pending proceedings and neither were the non-bailable warrants or proclamation served upon them at their address, thus the same remained unexecuted. Learned counsel submits that there was no *mala fide* intention on behalf of the petitioners to evade service or conceal themselves. It was only on account of the fact that effort regarding compromise was going on between the parties, that the petitioners did not put in appearance before the learned trial Court. However, now the petitioners wish to appear before the Court concerned, and abide by all the terms and conditions as may be imposed upon them by the learned trial Court.

3. *Per contra*, learned State counsel, has submitted that the petitioners, despite the proclamation, have failed to appear before the trial Court and have been rightly declared a proclaimed persons vide the impugned order and in addition, the petitioners are evading the process of Court which is highly deprecated on their part and in view of above, they do not deserve the concession.



4. Heard the submissions made by respective learned counsels for the parties.
5. The objective of the coercive mechanism prescribed under the BNSS 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 petitioners/accused shows their 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 matter has been compromised between the parties, and in this regard quashing petition is also pending. It is the vehement submission of the learned counsel for the petitioners that the absence of the petitioners before the learned trial Court was neither willful nor intentional, and that they are willing to appear before the learned trial Court and abide by all the conditions imposed upon them.
7. In view of the foregoing discussion, the present petition is allowed and the order dated 16.12.2025 (Annexure P-10) along with proceedings emanating therefrom are hereby set aside. The petitioners are directed to appear before the learned trial Court within 10 days from the date of the instant order. It is directed that the bail application which would be filed by the petitioners before the Court concerned, be decided on the same day in accordance with law.
8. Miscellaneous application(s), if any, also stands disposed of.

February 06, 2026

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Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No

(KIRTI SINGH)
JUDGE