



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

(221)

CRM-M-20666-2019 (O&M)

Date of decision : 08.05.2026

AMRIK SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Ritu Punj, Advocate and
Mr. Sarvesh Rattan, Advocate and
Mr. Sahaj Punj, Advocate
for the petitioner.

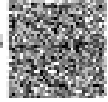
Mr. Yadwinder Singh, AAG, Punjab.

None for respondent Nos.2 and 3.

KIRTI SINGH, J. (Oral)

1. The prayer in the present petition filed under Section 482 Cr.P.C. is for setting aside the order dated 26.02.2016 (Annexure P-4) passed by the learned Judicial Magistrate 1st Class, Nakodar in case FIR No.233 dated 25.09.2015, registered under Sections 406 and 498-A of IPC, at Police Station Shahkot, District Jalandhar, vide which the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, genesis of which lies in the matrimonial disputes between the parties. It is submitted that the marriage between the petitioner and respondent No.3 was solemnized on 15.05.2010, and out of the said wedlock, one child was born on 24.11.2013. Owing to differences between the parties, respondent No.3 left the matrimonial house

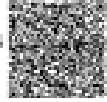


and did not join the company of the petitioner. Thereafter, the petitioner preferred to file a divorce petition before the competent Court in England, which was subsequently decreed on 30.10.2015. As a counterblast to the same, a complaint was moved by the father of respondent No.3 before the investigating agency, leading to the registration of the instant FIR. It is submitted that the petitioner, who is a citizen of England, and has not visited India since May 2014, was not aware of the proceedings pending against him. No intimation with respect to the criminal proceedings, including the issuance of summons, warrants, or even proclamation, was issued to him at his foreign address, in compliance of Sections 82 and 105 Cr.P.C. It is submitted that the absence of the petitioner was neither willful nor intentional. The petitioner being now aware of the proceedings pending against him, wishes to return to India to join the trial, and also attend to his aged and ailing mother.

3. *Per contra*, learned State counsel, has submitted that the petitioner, despite the issuance of proclamation, had failed to appear before the trial Court and thus has rightly been declared a proclaimed person vide the impugned order.

4. Heard the submissions made by learned counsel for the petitioner and learned State counsel.

5. According to the averments, no efforts were made to serve the petitioner at his foreign address. Be that as it may, 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 them. However, if they show sincere intention and desire to appear before the Court, then it would not be unjustified to protect them from being arrested.



6. In the present case, since the petitioner has expressed his willingness to put in appearance before the learned trial Court and join the trial proceedings, this Court deems it fit to quash/set aside the impugned order dated 26.02.2016 (Annexure P-4), vide which the petitioner has been declared proclaimed person.

7. Accordingly, the present petition stands allowed and the impugned order dated 26.02.2016 (Annexure P-4) is set aside/quashed subject to payment of Rs.50,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh. The petitioner is directed to appear before the Court concerned within a period of one month from the date of this order, and move an appropriate bail application along with receipt of payment of costs. The trial Court would accordingly release the petitioner on bail subject to its satisfaction. No coercive action would be taken against the petitioner till then. However, in case of failure to comply with the aforesaid direction within stipulated period, this order would be of no avail to the petitioner.

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

(KIRTI SINGH)
JUDGE

08.05.2026

Ithlesh

Whether speaking / reasoned	:	Yes/No
Whether Reportable	:	Yes/No