



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

154

CRM-M-34047-2024 (O&M)

Date of decision: 19.01.2026

Abhi Sharma @ Abhay Sharma

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shakti Mehta, Advocate for the petitioner.
Ms. Gagandeep Kaur, DAG, Punjab
Mr. Vikas Kumar Gupta, Advocate, for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition for quashing the impugned order dated 01.07.2019, Annexure P-10, vide which the petitioner was declared as absconder in case FIR No.0364 dated 02.12.2014, registered under Sections 323, 341, 506, 34 (added later on) IPC at Police Station Zirakpur, District SAS Nagar.
2. Learned counsel submits that the petitioner was not in the country when he was summoned under Section 319 Cr.P.C. vide order dated 09.07.2018 passed by learned Sub-Divisional Judicial Magistrate, Dera Bassi, Annexure P-5, with regard to which the entries of passport, Annexure P-3, have been referred to. Procedures under Sections 82(1), 105 and 195(1) have not been complied with. During the interregnum, co-accused Saurav Sharma was though convicted, however, released on probation vide judgment dated 08.11.2019 passed by learned Sub Divisional Judicial Magistrate, Dera Bassi, Annexure P-11. The trial Court could not have directed the registration of FIR under Section 174-A IPC as held in **Pardeep Kumar versus State of Punjab and another** (CRM-M-41656-2023 (O&M) decided on 23.08.2023) that the offence under Section 174-A of IPC falls within the scope Section 195(1) (a)(i) of the Code *ibid* which provides that no



Court shall take cognizance of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

3. He is however ready and willing to join the proceedings and prays that one opportunity may be granted to him to surrender before the trial Court. To buttress his submission, reliance is placed on the judgments of this Court in **Gurbir Singh Mundi vs. State of Punjab and another** CRM-M-49283-2021, decided on 16.12.2021.

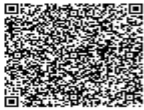
3. Learned State counsel submits that the order passed against the petitioner is legal and valid on account of the fact that he had absented from the proceedings before the trial Court without any just cause.

4. Heard.

5. In the case of **Gurbir Singh Mundi** (supra), it was held that provisions of Section 82(2) Cr.PC. are to be mandatorily complied with cumulatively and not alternatively. The Court had quashed the order declaring the petitioner therein as proclaimed person on the ground that declaration was not read publicly in some conspicuous place of town or village, in which the accused ordinarily resides.

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. Considering the fact that the absence of the petitioner was not willful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall



be caused to any of the parties, rather his joining the proceedings would help in expediting the trial. This Court in light of the judgment referred to above being applicable to the instant case, finds that the ends of justice would be adequately met if the present petition is allowed.

8. In view of the afore-mentioned judgments and the facts and circumstances of the case, the impugned order dated 01.07.2019, Annexure P-10, is set aside, subject to surrender by the petitioner before the trial Court on or before 04.02.2026 and subject to payment of costs of Rs.15,000/- to be deposited with Chandigarh Spinal Rehab, Plot No.1, Sector 28-A, Chandigarh (Sai Aasra Paraplegic Rehab Centre (Kotak Mahindra Bank, Branch Sector 27 D, Chandigarh, Account No.9612001641, IFSC: KKBK0004201). On furnishing bail/surety bonds, the trial Court shall release them on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

9. The petition is disposed of.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

19.01.2026

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