



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

(129)

**CRM-M-68364-2025
Date of Decision: 21.1.2026**

Sukhjiwan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Satnam Singh Thakur, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. This is the second petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the impugned order dated 06.6.2025 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, Phillaur, vide which petitioner has been declared as a proclaimed person in case bearing FIR No. 138 dated 04.7.2019, under Section 498-A of the Indian Penal Code, 1860 registered at Police Station Goraya, District Jalandhar.

2. Learned counsel for the petitioner submits that after the concession of anticipatory bail being granted to the petitioner, he had been regularly appearing before the learned trial Court. However, the petitioner could not appear before the learned trial Court on the date fixed as he was suffering from heart disease. Therefore, vide order dated 13.2.2025, the bail granted to the petitioner was ordered to be cancelled, the surety bonds were ordered to be forfeited to the State and non-bailable warrants were issued against him. Thereafter, vide order dated 15.4.2025, proclamation has been



issued against the petitioner, and ultimately vide impugned order dated 06.6.2025 (Annexure P-2), passed by the learned Magistrate concerned, the petitioner was declared a proclaimed person, and that too without complying the mandatory provisions of Section 82 Cr.P.C. The learned counsel further submit that the matter has now been amicably settled between the parties and a petition bearing No. CRM-M-61764 of 2025 seeking quashing of the present FIR has also been preferred before this Court, which is pending adjudication. Learned counsel 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. Notice of motion.

4. Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of respondent No.1-State.

5. Ms. Pragti Kumari, Advocate and Mr. Pulkit Mago, Advocate has put in appearance on behalf of respondent No. 2. The power of attorney is already on record.

6. Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar (Rural) has been filed by the State in the Registry. As per the status report, the petitioner is not involved in any other criminal case.

7. Heard the learned counsel for the parties.

8. 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.

9. In view of the above, the present petition is allowed. Order dated 06.6.2025 (Annexure P-2) along with all consequential proceedings emanating therefrom are hereby set aside subject to payment of cost of Rs. 20,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh within 10 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court within 10 days and file an 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.

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

(KIRTI SINGH)
JUDGE

January 21, 2026
Gurpreet Singh

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