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

CRM-M-33345-2024 (O&M)
Date of decision: 18.08.2025

PARVEEN KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (ORAL)

CRM-31652-2024

Allowed as prayed for subject to all just exceptions.

CRM-M-33345-2024

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the impugned order dated 08.01.2016 (Annexure P-4) passed by the learned JMIC, Ludhiana, whereby the present petitioner has been declared a proclaimed person in FIR No.164 dated 04.05.2015, registered under Sections 376, 328, 506, 120-B IPC (later on added Section 376-D IPC and Section 4 of POCSO Act, 2012), at Police Station Jodhewal, District Ludhiana City (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The occurrence took place on 01.05.2015 and at that point of time the petitioner was not present in



Ludhiana rather had gone to Gorakhpur (Uttar Pradesh) on 29.04.2015 i.e. two days prior to the date of alleged occurrence, where he subsequently fell ill and therefore extended his stay there. After getting treatment, the petitioner returned to Ludhiana and continued to stay at his house due to his health issues. It is submitted that the petitioner did not receive any intimation of the P.O. proceedings, yet the learned trial Court without considering the said fact has wrongly declared the petitioner as proclaimed person. Learned counsel submits that the petitioner is a patient of diffuse disc bulge, because of which he experiences difficulty in even walking. It has also been submitted that the trial qua other co-accused has been concluded and the learned trial Court vide judgment dated 11.07.2022 (Annexure P-9) has acquitted the co-accused Pavitar Kumar. Learned counsel further submits that it was never the intention of the petitioner to willfully evade his presence before the learned trial Court, and prays that one opportunity may be granted to the petitioner to surrender before the learned trial Court.

3. Learned State counsel opposes the prayer made in the petition and submits that specific and serious allegations of raping the prosecutrix have been levelled against the petitioner. On the basis of the material collected during investigation, supplementary report was prepared and presented before the learned Court of competent jurisdiction. It is further submitted that during investigation, the petitioner willfully absented himself from the proceedings. Thereafter, proceedings under Sections 82 Cr.P.C. were initiated, culminating in the petitioner being declared a Proclaimed Person by the learned trial Court vide order dated 08.01.2016. He submits



that given the gravity of the offences purported to have been committed by the petitioner and in view of his conduct, he does not deserve any relief from this Court.

4. Heard.

5. The objective of the coercive mechanism prescribed under the criminal law 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 accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. Given the facts and circumstances of this case, and in view of the fact that presence of the petitioner is necessary for fair adjudication of the trial, this Court grants one opportunity to the petitioner to surrender before the learned trial Court within a period of two weeks, *albeit*, subject to payment of **Rs.50,000/- to be deposited in Poor Patients' Welfare Fund, PGIMER, Chandigarh**. Meanwhile, no coercive steps shall be taken against the petitioner. Needless to say that in case the petitioner does not surrender and comply with the condition stipulated hereinabove, this order shall be of no avail to him.

7. The petition is disposed of in aforesaid terms.

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

(KIRTI SINGH)
JUDGE

August 18, 2025

Ithlesh

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