

Criminal Procedure Code, 1973, S. 173 – Accused Petitioners prior to the registration of the FIR, had proceeded to United Kingdom, and, still are in United Kingdom – Application filed under Section 173 Cr.P.C. by Investigation Officer for issuance of non-bailable warrants upon the petitioners – Since the petitioners throughout, since the launching of initial investigations in the FIR and, upto now, are residing in a foreign land, consequently, they could never render their personal cooperation to the investigating officer nor they could validly institute a petition under Section 438 Cr.P.C., before the Courts situated in India as it was incumbent upon them to record their personal appearances – Investigating officer if he intended to secure their appearances before him, or before the Court of law, was required to ensure that personal service of the process of Court, should have gone through the embassy of India, located in U.K. – However, the same was not done – The investigating officer, has not ensured the causing of personal service upon the accused at U.K., prior to the issuance of non-bailable warrants, as issued by the learned Magistrate concerned – Nor the learned Magistrate has ensured that the non-bailable warrants became served personally upon the accused at U.K. through the aegis of the embassy of India, located in U.K. – Order declaring the petitioners, as proclaimed offenders, quashed.

[\(2022-2\)206 PLR 013](#)

[JAGJIT SINGH v. STATE OF PUNJAB , \(2022-2\)206 PLR 013](#)