

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-878 of 2015 (O&M)
Date of decision: 05th February, 2015

Harpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Goraya, Advocate,
for the petitioner.

Mr. Amarinder Singh Klar, AAG, Punjab
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner Harpreet Kaur has preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.176 dated 17.09.2009, registered at Police Station Sadar, District Ludhiana, under Section(s) 306/34 IPC.

Notice of motion was issued. Today, learned State counsel has appeared and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In the present case, petitioner is named in the FIR but during investigation, she was found innocent and she was kept in column No.2 in the report under Section 173 Cr.P.C. Lateron, the learned trial Court, after recording some evidence in this case, summoned the petitioner on the application under Section 319 Cr.P.C. vide order dated 13.05.2013. As per order dated 13.11.2014 when after issuance of proclamation against the petitioner, she failed

to appear before the learned trial Court after expiry of period of 30 days, she was declared as proclaimed offender. As per learned counsel for the petitioner, the petitioner is residing at Street No.9, Guru Gobind Singh Nagar, New Shimlapuri, Ludhiana whereas in the FIR, address of village Behla, Police Station Sadar, Ludhiana has been given. Neither from the proclamation order nor from the bail order, it is made out that petitioner was ever served in the proceedings. The petitioner is not required for any investigation or interrogation purposes. She is simply to face the trial. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case and without discussing the merits of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted. The petitioner is directed to appear before the learned trial Court within ten days and on doing so, she shall be released on bail by the learned trial Court to its satisfaction. If the petitioner fails to appear before the learned trial Court during the stipulated period, then the instant petition shall be treated as dismissed.

05th February, 2015
mamta

(INDERJIT SINGH)
JUDGE