

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

**CRL. MISC. No.M-38029 OF 2016 (O&M) &
CRL. MISC. No.M-5715 OF 2016 (O&M)
DATE OF DECISION : 22nd OCTOBER, 2016**

Rashmi Singh & another

.... Petitioners

Versus

State of Punjab

.... Respondent

**CRL. MISC. No.M-37982 OF 2016 (O&M) &
CRL. MISC. No.M-4696 OF 2016 (O&M)**

Hardeep Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Navdeep Singh Brar, Advocate for
Mr. Vikas Singh, Advocate for the petitioner(s)
in CRM-M-38029-2016 and CRM-M-5715-2016.

Mr. Abhaypal Singh Gill, Advocate for the petitioner
in CRM-M-37982-2016 and CRM-M-4696-2016.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. Kishan Gopal Sehajpal, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Rule heard forthwith with consent of counsel for the rival parties.

The petitioners have filed CRM-M-38029-2016 and CRM-M-37982-2016 challenging order dated 13.05.2016 passed by CJM, Kapurthla in FIR No.240 dated 21.09.2015 registered under Sections 420, 465, 468, 471 & 120-B IPC at Police Station Kapurthala City.

The petitioners have also filed CRM-M-4696-2016 and CRM-M-5715-2016 for anticipatory bail in the same FIR.

Learned State counsel submits that challan in FIR No.240 dated 21.09.2015 has been filed before the JMIC, Kapurthala.

In that view of the matter, I think the only way for the petitioners is to appear before the Magistrate in the said challan case and seek appropriate relief of regular bail. However, the order in question i.e. 13.05.2016 declaring them proclaimed offender will have to be set aside to enable them to appear before the trial Court for asking for regular bail.

In that view of the matter, impugned order dated 13.05.2016 is set aside. The petitioners are granted liberty to appear before the trial Court in the challan case arising out of FIR No.240 dated 21.09.2015 and also given liberty to apply for regular bail before the concerned Court, who will decide the same on merits.

In view of the above, I make the following order:

ORDER

- (i) CRM-M-38029-2016 and CRM-M-37982-2016 are allowed and order dated 13.05.2016 declaring the petitioner(s) as proclaimed offender is set aside.
- (ii) The petitioners will appear before the trial Court on 01.11.2016.
- (iii) In case the petitioners do not appear before the trial Court as observed the order dated 13.05.2016 shall stand revived.
- (iv) CRM-M-4696-2016 and CRM-M-5715-2016 filed for anticipatory bail stand dismissed, as the question to grant anticipatory bail does not arise in view of the above.

22nd OCTOBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No