

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

CRM-M No.4430 of 2016

Date of Decision:-25.02.2016

Sushma Sharma.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Veneet Sharma, Advocate for the Petitioner.

Mr. R.S. Randhawa, Additional Advocate General, Haryana
assisted by SI Sohan Lal.

JASWANT SINGH, J (ORAL)

Prayer is under Section 482 Cr.PC for quashing of order dated 27.02.2004 passed by the learned CJM, Amritsar whereby the petitioner accused has been declared a proclaimed offender in case FIR No.84 dated 25.03.2003 for offences punishable under Sections 420, 506 of Indian Penal Code registered with Police Station Civil Lines, Amritsar City, District Amritsar.

Petitioner-accused is a 64 years old widow. An agreement to sell dated 17.11.1999 was executed by her with Parveen Kumar, a Property Dealer for sale of H.No.79-A, Mall Road, Amritsar, being owner on the death of her husband Harish Sharma, who was per family settlement had

been allocated the said house. It is alleged by complainant-Parveen that a sum of Rs.20 lacs was paid as earnest money out of the total sale consideration of Rs.1 crore. The target date of sale was 17.12.1999.

It is submitted that it is a matter of record that no suit for specific performance was ever filed, however, after a delay of more than three years, the FIR was lodged so as to put pressure upon the petitioner, who is stated to be resident of Mumbai and the zimni orders would reveal that the complainant himself was culpably negligent in pursuing the trial leading to petitioner being declared a P.O. It is submitted that pursuant to the orders dated 08.02.2016 petitioner has surrendered herself before the trial Court and has been released on interim bail. He further submits that petitioner is ready and willing to appear before the trial Court.

Learned State Counsel assisted by SI Sohan Lal submits that although petitioner has put in appearance, however, the PO challan was put in and the file consigned to the record room after completing the proceedings under Section 299 Cr.PC, therefore, the bail should be confirmed subject to the petitioner joining investigation.

In view of the above, interim bail granted by the trial Court vide order dated 15.02.2016 pursuant to the directions passed by this Court vide order dated 08.02.2016 is hereby confirmed, however, subject to the petitioner joining the investigation.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 25, 2016
Vinay