

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

CRM-M-44438 of 2016

Date of decision: 13.12.2016

Gurpreet Kaur

...Petitioner

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE GURMIT RAM

Present: Mr. R.K. Arya, Advocate
for the petitioner.

GURMIT RAM, J. (Oral)

This petition under Section 482 of Cr.P.C. has been filed by the petitioner above mentioned for quashing of order dated 11.8.2011 passed by the Court of learned Judicial Magistrate Ist Class, Batala in complaint case titled '*Daler Singh Versus Balbir Singh and ors.*' bearing No.SC 0000025/2012.

2. The plea of the petitioner, in brief, in this petition is that she was declared proclaimed offender in violation of provisions of Section 82 of Cr.P.C., without application of mind.

3. When asked about the delay of more than five years in filing the instant petition, the learned counsel for the petitioner could not give any satisfactory explanation.

4. It is also argued by learned counsel for the petitioner that the above-said impugned order dated 11.8.2011 was passed by the learned Illaqa Magistrate whereby declaring the petitioner as proclaimed offender

without awaiting the expiry of the period of 30 days as prescribed under the law. In this regard, he has placed on the file true copy of this order as Annexure P-2. But it is found recorded in this order itself that proclamation against the present petitioner along with the other accused persons of this case was effected on 7.6.2011 and the impugned order declaring the petitioner as proclaimed offender was passed on 11.8.2011. So, in the light of this order, the above plea of counsel for the petitioner is held to be certainly not maintainable because there is a gap of more than two months in between these two dates i.e. 7.6.2011 when the proclamation was effected against the petitioner and 11.8.2011 when this order was passed.

5. Then certified copy of the alleged impugned order Annexure P-2 is also not brought on record.

6. The only technical error in the alleged impugned order Annexure P-2, if any, is that the petitioner was declared as proclaimed offender instead of the proclaimed person.

7. In view of the above discussion, the present petition is dismissed being meritless and disposed of accordingly.

13.12.2016
Brij

(GURMIT RAM)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No