

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

**CRM-M No.46273 of 2016 (O&M).
Date of Decision: 23.12.2016.**

Sukhwant Kaur @ Sukhi

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Durga Dutt Sharma, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant petition invoking the provisions of Section 482 of the Criminal Procedure Code (for short, "Cr.P.C.") has been filed for quashing of order dated 28.09.2010 passed by learned Judicial Magistrate Ist Class, Samrala by virtue of which Sukhwant Kaur @ Sukhi (petitioner) was declared proclaimed offender in First Information Report No.13 dated 28.01.2008 under Section 420 of the Indian Penal Code registered at Police Station Machhiwara, Ludhiana.

The submissions made by Mr. Durga Dutt Sharma, learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner submits that the petitioner was allowed anticipatory bail by the Sessions Court. Due to some work, she had to go abroad and thereafter, as she was in financial crises, she could not come back to India. The order declaring her proclaimed offender was passed by learned Magistrate without observing due process of law. She now wants to come back to India and join the legal proceedings in the case, therefore,

the order declaring her proclaimed offender be quashed.

It has been stated by the petitioner herself that after registration of the case, she was granted the benefit of anticipatory bail by the Sessions Court. From the submissions made by learned counsel for the petitioner, it is clear that the petitioner went abroad without seeking prior permission of the Court. She deliberately and intentionally violated the conditions provided under Section 438(2) Cr.P.C. on which she was allowed anticipatory bail. She has been declared proclaimed offender vide order dated 28.09.2010. There appears no infirmity or irregularity in the order. It may be added that even today the petitioner is not presently available within the jurisdiction of this Court. The petition being devoid of merit is dismissed.

(SNEH PRASHAR)
JUDGE

23.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No