

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

Sr. No.123

CRM-M No.1174 of 2017
Date of decision: 17.01.2017

Kiranjeet Kaur

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short the 'Code'), the petitioner seeks quashing of order dated 25.11.2016 (Annexure P-3) through which she has been declared a proclaimed offender in FIR No.156 dated 25.07.2016, registered under Sections 406/420/120-B IPC, at Police Station Phillaur, District Jalandhar.

A perusal of the FIR shows the petitioner to be a resident of village Palahi, Tehsil Phagwara, District Kapurthala whereas in the impugned order dated 25.11.2016, the petitioner has been declared a proclaimed offender on the ground that the petitioner had not joined the proceedings before the trial Court and had not responded to the proclamation done on 25.10.2016 in village Chahalpur.

The report dated 25.10.2016 by Constable Sukhdev Singh at Police Station Phillaur, reads as under:-

“It is submitted that regarding proclamation went to village Chahalpur for service of Kiranpreet Kaur alias Kirandeep Kaur daughter of Harjit Singh, who was not found present. Resham Lal, Lambardar and Amarjit Singh, Sarpanch were found present in the village. They informed that nobody with the name Kiranpreet Kaur alias Kirandeep Kaur daughter of Harjit Singh resided in this village. Since not found present, proclamation could not be effected and one copy of proclamation was affixed at public place, one copy was affixed on the notice board of the Court, one copy is presented before your goodself.”

From the above, it is clear that the basis to declare the petitioner as a proclaimed offender is not made out. The proclamation was got effected in a village in which the petitioner was not a resident.

In view of the above, the impugned order dated 25.11.2016 is quashed with a direction to the petitioner to surrender before the trial Court on 23.01.2017 at 10.00 a.m.

Learned counsel for the petitioner submits that the petitioner is a young girl of 26 years of age and that she merely accompanied her father at the time when the alleged offence is said to have been committed by both her father and herself. It is submitted that she had no role to play in the commission of the alleged offence.

Without expressing any opinion on the merits of the matter,

in case the petitioner, as directed, surrenders on 23.01.2017 at 10.00 a.m.,

the trial Court is directed to consider her bail application and take a final decision thereupon on that very day i.e. 23.01.2017.

The petition stands disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

January 17, 2017
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No