

132

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

CRM-M-14368 of 2017

Date of decision: April 27, 2017

Seetu

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mrs. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

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

In the present petition, there is a challenge to the impugned
order dated 18.06.2015 by which the petitioner was declared
proclaimed offender in FIR No.59 dated 01.05.2010, under Sections
365, 506 of the Indian Penal Code, 1860, registered at Police Station
City Batala.

The petitioner is a woman. Her husband is also being
prosecuted in the same FIR and the trial is going on. According to the
petitioner, she could not attend the trial after filing of challan because
she was pregnant and thereafter, delivered a child. Her husband is
appearing before the Court and is facing the trial. The trial Court

rejected the petition for grant of anticipatory bail on the ground that since the petitioner was declared proclaimed offender, the relief of anticipatory bail would not be available. It is not in dispute that earlier to filing of challan, the petitioner was already granted order of anticipatory bail, which in terms of Section 438(3) of Code of Criminal Procedure, 1973 extends till completion of trial, upon furnishing fresh bail bonds. The challenge in the present petition to the order declaring proclaimed offender is on the ground that the petitioner could not attend the trial due to her pregnancy and delivery thereafter. But now she wants to face the trial along with her husband and would cooperate with the trial Court. In my opinion, a chance should be given to the petitioner to participate in the proceedings along with her husband in the trial which is on going. However, since the petitioner has become a reason for obstruction of trial due to her non-appearance, the State of Punjab will have to be compensated with some costs.

In that view of the matter, following order is passed:-

ORDER

- (i) Petition is partly allowed;
- (ii) Impugned order dated 18.06.2015 declaring the petitioner proclaimed offender is quashed and set aside;
- (iii) Petitioner shall be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, in FIR in question, in which the trial

is going on, on her depositing costs in the sum of ₹5,000/-
with the trial Court payable to the State of Punjab, as a pre-
condition to this order.

(A.B. CHAUDHARI)
JUDGE

April 27, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No