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

CRM-M-19985-2017 (O&M)

Date of Decision: 19.09.2017

Kulwant Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Amandeep Soni, Advocate,
for the applicant-petitioner.

SUDIP AHLUWALIA J. (ORAL)

CRM-29160-2017

Applicant-petitioner is permitted to place the documents being
Annexures P-2 and P-3 on record.

Application stands disposed off.

CRM-M-19985-2017

Notice of motion.

[2]. On the asking of the Court, Mr. V.G. Jauhar, Senior Deputy
Advocate General, Punjab, accepts notice on behalf of the respondent-State.

[3]. In this petition, the petitioner seeks quashing of the impugned
order dated 20.10.2015 passed by the Ld. Sub Divisional Judicial
Magistrate, Sultanpur Lodhi, District Kapurthala (Annexure P-1) vide
which she was declared a Proclaimed Offender as her presence before the
Trial Court could not be secured after issuance of all the processes.

[4]. Her contention in this regard is that she was not aware about
the date fixed in the Ld. Trial Court as she had already left India and

proceeded to United Kingdom on 10.03.2014. She claims to have fallen sick while abroad on account of which she could not return back, and to support which contention she has filed her personal affidavit Annexure P-3.

[5]. The petitioner has further prayed for quashing the FIR itself on the ground that other co-accused persons in the case have already been acquitted on merits.

[6]. Considering the fact that the petitioner was out the country for a prolonged period as seen from the serial endorsement on her Passport, her absence from the Trial Court at the relevant time would appear to be justified/condonable.

[7]. However, the fact that other accused persons have been acquitted in the main case does not automatically entitle her to be similarly acquitted, without facing the trial in the regular manner.

[8]. As such, the present petition is partially allowed inasmuch as the impugned order declaring her Proclaimed Offender is set aside subject to the condition that the petitioner shall surrender before the Trial Court within two weeks from this date, after which she may be admitted on fresh bail subject to the appropriate terms and conditions but she will have to surrender her Passport before the Trial Court. Thereafter trial against her shall proceed in accordance with law.

[9]. Disposed off.

19.09.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No