

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

CRM-M-33441-2017

Date of decision: 12.09.2017

Sunita Kumari

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Dinesh Nagar, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

It is *inter alia* contended by learned counsel for the petitioner that respondent No.2 Anita Rani initiated proceedings under Sections 498-A IPC by registering FIR No. 148 dated 19.12.2007 at Police Station Rahon, District SBS Nagar (Nawanshahr), in which only the husband Kundal Lal, father-in-law, Krishan Kumar, and Santosh Kumari, mother-in-law, was to face trial, however, in a complaint case that was filed, the petitioner herein was also summoned. The petitioner, in fact, had got married and left for United States and was never properly served in those proceedings. She was proceeded ex parte by order dated 28.11.2014 (Annexure P-10).

Learned counsel for the petitioner argues that there was non-compliance of Section 82 Cr.P.C. so far as the petitioner was a resident of the United States and no effective service was done upon her in proceedings under the complaint case. In the meantime, complaint case and the proceedings under the FIR stands dismissed and the appeal filed in the

complaint case also stands dismissed. The petitioner herein who is a proclaimed person is ready to join the proceedings, however, seeks interim protection.

Notice of motion.

In the meantime while noting that the petitioner was resident of America and that all other accused stand either discharged or the appeal dismissed, it would be appropriate now to permit the petitioner to join the proceedings. The arrest of the petitioner is stayed for a period of four weeks in order to enable her to join the proceedings. In case, she does appear and move appropriate application for setting aside the order declaring her as a proclaimed person as well as for grant of bail, she shall be admitted to bail by the trial Court to its satisfaction.

However, it is made clear that in case the petitioner does not present herself before the Court below within the specified time, any protection granted by this Court shall stand automatically vacated.

The petition stands disposed of accordingly.

12.09.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.