

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

**CRM-M-34540-2017
Date of decision: 18.09.2017**

Daljit Singhn @ Ram Kishan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kapil Khanna, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition filed by the petitioner under Section 438 Cr.P.C. praying for grant of anticipatory bail in case FIR No. 26 dated 18.03.2014, under Sections 406, 498-A IPC, registered at Police Station Women Cell, Jalandhar.

Learned counsel for the petitioner contends that under the said FIR the petitioner has been declared as a proclaimed person by an order dated 30.08.2014. It is contended that there is non-compliance of Section 82 Cr.P.C. on account of the fact that the petitioner is holding a passport issued by Portugal, and in fact is an overseas citizen of India holding OCI card. He was not resident of India at the time of proclamation. It is argued that he is ready to join the proceedings and for that he prays for grant of anticipatory bail in the said FIR. It is also contended that the matter has been compromised between the parties pursuant to which a petition under Section 13-B of the Hindu Marriage Act has already been preferred for dissolution

of marriage for a decree of divorce with mutual consent in which second statement is to be recorded on 25.09.2017.

Notice of motion.

Since the matter stands settled, it would be appropriate to permit the petitioner to join the proceedings. The arrest of the petitioner is stayed for a period of two weeks in order to enable him to join the proceedings. In case, he does appear and move appropriate application for setting aside the order declaring him as a proclaimed person as well as for grant of bail, he 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 himself before the Court below within the specified time, any protection granted by this Court shall stand automatically vacated.

The petition stands disposed of accordingly.

18.09.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.