

CRM No. M-39813 of 2016

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

**CRM No. M-39813 of 2016
Date of Decision : 02.08.2017**

Smt. Surinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
Ms. Janya Sirdhi, Advocate for the petitioner.

Ms. Seena Mand, Deputy Advocate General, Punjab.

Anupinder Singh Grewal, J.(Oral)

The petitioner has sought quashing of FIR No. 73, dated 21.05.2004, under Sections 406, 467, 468, 471, 120-B IPC and Section 7 of the Essential Commodities Act, registered at Police Station Mandi Gobindgarh and all consequential proceedings. She has also challenged order dated 12.01.2007, whereby she has been declared as proclaimed offender.

Learned counsel for the petitioner contends that as the petitioner is willing to face trial, he is not pressing his prayer for quashing of the FIR and would confine this petition only qua setting-aside the order dated 12.01.2007, declaring the petitioner as proclaimed offender. Learned counsel further contends that the impugned order declaring the petitioner as proclaimed offender is erroneous in law as the summons were sent to the petitioner at her native village, while the petitioner has been residing at

Ludhiana for over 11 years. Learned counsel also states that in fact in one of the orders, the trial Court had directed the complainant to furnish the correct address of the petitioner but despite the correct address not being furnished, the petitioner was declared as proclaimed offender.

A Coordinate Bench of this Court vide order dated 09.11.2016 while issuing notice, had directed that in case the petitioner surrenders before the trial Court within a week, the trial Court shall admit her on bail subject to her furnishing adequate bail/surety bonds to its satisfaction.

Learned counsel for the petitioner contends that in terms of the interim order, the petitioner surrendered before the trial Court and was granted bail upon submitting the bail bonds to the satisfaction of the trial Court. Learned counsel further undertakes that the petitioner shall henceforth appear before the trial Court on every date.

Therefore, as the summons were not issued at the address where the petitioner was residing, the impugned order dated 12.01.2007 is set-aside. The petitioner has already surrendered before the trial Court. However, she shall appear before the trial Court on every date of hearing.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

August 02, 2017
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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No