

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CRM-M-40684-2016

Date of Decision:28.11.2017

Harminder Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. A.D.S. Sukhija, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, A.A.G., Punjab,
for respondent No.1.

Mr. G.S. Jagpal, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.313 dated 09.12.2003 under Sections 406, 420, 494, 120-B IPC, registered at Police Station Sahnewal, District Ludhiana along with all consequential proceedings including the order dated 31.01.2007 passed by the learned Judicial Magistrate 1st Class, Ludhiana, whereby the petitioner was declared as proclaimed offender.

Learned counsel for the petitioner has restricted his prayer and confined his challenge only to the order dated 31.01.2007, whereby the petitioner has been declared proclaimed offender. He submits that the petitioner is ready to face the trial, in accordance with law.

Learned State Counsel states that the said FIR was registered

on 09.12.2003. On 17.03.2006, the trial court has passed the following order:-

“Non bailable warrants of accused received back with report that accused have gone to abroad and statement of serving constable recorded. In these circumstances, above said accused be summoned for 25.05.2006 as per law”.

Learned counsel for the petitioner states that petitioner is a permanent resident of Holland. Right from the date of registration of FIR, she never came to India, therefore, the proceedings, whereby she was declared a proclaimed offender were never in her knowledge. She was never served in the case. He further states that even marriage of daughter of petitioner with Manjot Singh, son of complainant was performed on 31.12.2000 i.e., much prior to the date of registration of FIR. Even in the present FIR, the accused No.6-Dharwinder Singh has been acquitted by the trial Court. The petitioner is ready to face the trial.

On the other hand, learned State Counsel states that it cannot be accepted that the P.O. proceedings were not in the knowledge of the petitioner and therefore, the present petition deserves to be dismissed.

Having heard the learned counsel for the parties and taking into consideration the limited prayer made by learned counsel for the petitioner, whereby he has restricted his prayer and confined his challenge only to the order dated 31.01.2007, whereby the petitioner has been declared as a proclaimed offender, the present petition is disposed of, at this stage, with the observation that in case the petitioner surrenders before the trial court within a period of four weeks from today, the trial Court shall admit her on bail, subject to furnishing of her bail bonds/surety bonds to its satisfaction.

Taking into consideration the fact that the petitioner is a

permanent resident of Holland, the trial Court may impose any other reasonable condition as it may deem fit in the facts and circumstances of the case.

The petitioner shall face trial, in accordance with law and shall not prolong the trial, in any manner.

The present petition is disposed of accordingly.

November 28, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No