

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)	CRM-M-12107-2018 (O&M)	
	Date of Decision: 22.03.2018	
Jaspal Kaur		...Petitioner
	Versus	
State of Punjab		...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arpan Sabharwal, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the petitioner was never served of the notices issued to her, of the complaint instituted by one Naresh Arora.

He points to the *zimni* orders passed in that complaint, as have been annexed as Annexure P-6 (colly) with the petition.

A perusal thereof shows that as per the report put up before the trial court on 17.10.2014, the non-bailable warrant issued had been received back with the report, "incomplete address". Thereafter, the factum of the correct address not having been filed was noticed by the Court in the subsequent orders also.

Upon query to the learned counsel, he submits that the petitioners' address actually is what is given in the complaint, i.e. House No.27-A, Guru Nanak Nagar, Jalandhar, which is also the address given in the memo of parties of the present petition.

That being so, it would be for the trial court to examine as per the evidence led in the proceedings under Section 174 IPC, as to whether it

was the petitioner who was avoiding service in connivance with the process server, or otherwise, because once the address has been admitted to be the correct and complete address of the petitioner even before this Court, it is difficult to understand how a report could be made stating to the effect that it was incomplete.

The trial court is directed to go into that issue and if any person entrusted with the service of the notices/summons/warrants issued has been found to have made a false report, action would be taken against that person also.

This petition is disposed of with the aforesaid observations and directions.

22.03.2018
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes