

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M-1329-2018

Date of Decision:15.11.2018

Sarabjit Kaur

.....Petitioner

Versus

Avtar Singh and another

.....Respondents

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

Present: Mr. Abhinav Gupta, Advocate,  
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

\*\*\*\*

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing the order dated 12.02.2014 (Annexure P-2) passed by learned Judicial Magistrate 1<sup>st</sup> Class, Jalandhar, whereby the petitioner was declared as proclaimed offender.

Learned counsel for the petitioner has argued that respondent No.1 had filed a complaint (Annexure P-1) under Section 138 of the Negotiable Instruments Act (for short "N.I. Act") and Section 420 IPC. In the aforesaid complaint, the petitioner was declared a proclaimed offender vide order dated 12.02.2014. The petitioner could not appear before the trial court in the pending complaint under Section 138 of the N.I. Act and Section 420 IPC for the reason that during the period from 20.05.2013 to 01.09.2015, she remained incarcerated in FIR No.33 dated 16.05.2013.

Therefore, this is the only reason for her non-appearance in the complaint

pending under Section 138 of the N.I. Act and Section 420 IPC. He states that the petitioner is ready to surrender before the trial court and to face trial in accordance with law.

Notice was issued in the case and as per report submitted by the office, respondent No.1 has been served, but no one has put in appearance on behalf of respondent No.1.

I have heard learned counsel for the petitioner as well as learned State Counsel.

Considering the fact that it is a complaint under Section 138 of the N.I. Act and Section 420 IPC and the petitioner undertakes to surrender before the trial court to face trial, this Court in the absence of any rebuttal by respondent No.1, has no option but to except and allow the present petition, as it is stated that the petitioner remained incarcerated in FIR No.33 from 20.05.2013 to 01.09.2015 as reflected in the custody certificate issued in favour of petitioner-Sarabjit Kaur.

Accordingly, in case, the petitioner surrenders before the trial court within two weeks from today and submits an affidavit that she shall not cause unnecessary delay in the aforesaid complaint and would regularly appear before the trial court, the trial court shall admit her on bail, subject to furnishing of her bail bonds/surety bonds to its satisfaction.

The present petition stands disposed of accordingly.

**November 15, 2018**  
seema

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No