

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

CRM-25677-2018 in/and
Crl. Misc.-M-19647-2018 (O&M)
Date of Decision: 31.07.2018.

Anita Kumari

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Chandan Singh Rana, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab .

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.173 dated 07.07.2014 registered under Section 306 IPC at Police Station Rama Mandi, Jalandhar as well as order dated 31.05.2017 passed by JMIC, Jalandhar, by virtue of which the petitioner herein has been declared as a proclaimed offender.

Learned counsel for the petitioner herein has placed reliance upon Section 82 (4) Cr.P.C., which is reproduced as under:

“Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under Section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 and 460 of the Indian Penal Code (45 of 1860) and

such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect”.

From the reading of the above provision, it is clear that in case a person, who is an accused under Sections 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459 and 460 of the Indian Penal Code fails to appear, he/she can be declared as proclaimed offender, whereas the petitioner herein has been named in the FIR in an offence under Section 306 IPC which does not find mention in the said sub-section.

Learned counsel for the petitioner contends that petitioner is ready to face the proceedings before the trial Court and however, seeks stay of arrest in order to approach the trial Court.

This Court is not inclined to quash the proceedings, however, deems it appropriate to allow the petitioner herein to join the trial.

Resultantly, this petition is disposed of with the direction that arrest of the petitioner shall remain stayed for a period of one week and she is directed to appear before the trial Court within a period of seven days and in the event of her appearance, trial Court shall admit her on bail on furnishing requisite bail bonds/surety bonds subject to its satisfaction.

However, it is made clear that in case the petitioner does not join the proceedings before the trial Court, any interim protection granted by

this Court today will stand automatically vacated.

Petition and all applications stand disposed of, on the above terms.

July 31, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No