

266.

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

I. CRM-M-4154-2017
Date of decision:16.11.2018

JASWIR SINGH @ JASBIR SINGH PAWAR ... Petitioner

versus

STATE OF PUNJAB AND ANR. Respondents

II. CRM-M-11870-2017

SUKHJEET KAUR @ SIMAR SUKHJIT KAUR PAWAR ... Petitioner

versus

STATE OF PUNJAB AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arun K. Bakshi, Advocate,
for the petitioner (s).

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

By this common order, two petitions i.e. CRM-M-4154-2017
titled as "Jaswir Singh @ Jasbir Singh Pawar Versus State of Punjab
and another" and CRM-M-11870-2017 titled as "Sukhjeet Kaur @
Simar Sukhjit Kaur Pawar Versus State of Punjab and another" are
being disposed of. In both the petitions, the petitioners have challenged the

PO order dated 28.11.2011 passed by learned Judicial Magistrate Ist Class, Jalandhar.

An FIR No.125 dated 15.06.2011 under Sections 420/ 465/ 468/ 471 IPC, Police Station New Baradari, Jalandhar was registered against the petitioners on the basis of a complaint filed by one Rajdeep Kaur daughter of late Bahadur Singh.

In the aforesaid FIR, learned Magistrate issued proclamation and accordingly, on 28.11.2011 the following order was passed:-

“Proclamation of accused Jasbir Singh received back duly executed. Executing officer HC Jaswinder Kumar proved the proclamation form dated 18.11.2011 as Ex.P1 and his report as Ex.P2. He also proved the proclamation of accused Sukhjot Kaur dated 20.11.2011 as Ex.P1 and his report as Ex.P2. As such, in view of the proclamation form and report of executing officer the proclamation proceedings issued against accused are completed. Intimation be sent to the concerned police station regarding the completion of the proclamation. Now to come up on 23.12.2011 the date already fixed for awaiting proclamation of accused Manmohan Singh.”

In the petitions, it is the primary contention of the respective counsel for the petitioners that before declaring the petitioners as proclaimed offender, an attempt was required to be made to serve them through the Ministry of External Affairs as they are residing in United Kingdom since long. During the relevant proceedings, the petitioners were not in India, hence were never served in the case.

Taking into consideration the nature of allegations in the FIR

and without observing anything on the merits of the case, present petitions

are disposed of with a direction that in case the petitioners appear before the trial Court within 3 months from today (as they are statedly residing in U.K.), the trial Court shall admit them on bail subject to their furnishing adequate bail bonds/surety bonds to its satisfaction. The petitioners shall furnish an undertaking that they shall join the proceedings and shall not remain absent without the permission of the Court.

However, in case the petitioners fail to appear within the period stipulated above, the present petitions shall be deemed to have been dismissed.

(HARI PAL VERMA)
JUDGE

16.11.2018
sanjeev

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