

117
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53457-2019(O&M)
Date of decision : 16.12.2019

Lakhwinder Kaur	Versus	...Petitioner
State of Punjab and another		...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. K.B.S.Mann, Advocate
for the respondent No.2.

**

HARINDER SINGH SIDHU, J.

By filing this petition, quashing of order dated 30.10.2013 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Kapurthala whereby the petitioner has been declared proclaimed offender in FIR No.22 dated 07.03.2007 (Annexure P-1) under Sections 406, 420 IPC and Section 24 of Immigration Act, 1983 registered at Police Station Bholath District Kapurthala, has been sought.

The FIR has been lodged on the statement of respondent No.2.

Learned counsel for the petitioner states that after the registration of the FIR, the matter was investigated and husband of the petitioner was arrested on 24.03.2007. Remaining accused were kept in column No.2. Thereafter, the petitioner surrendered before the trial Court and supplementary challan against her was filed in the Trial Court. During the pendency of the Trial, the matter was amicably resolved between the parties. Upon this, the petitioner under the impression that all proceedings are over, left for England where her family is residing. In the absence, the petitioner

was declared as Proclaimed Offender vide order dated 30.10.2013 (P-2) passed by Judicial Magistrate Ist Class, Kapurthala. The co-accused of the petitioner faced the trial and he was acquitted vide judgment dated 12.03.2014 passed by Judicial Magistrate Ist Class, Kapurthala, as all the witnesses have become hostile. Learned counsel further states that now the complainant has again entered into a compromise with petitioner and the complainant has furnished an affidavit (P-4) in this regard.

In view thereof, the petitioner may appear before the Trial Court on or before 17.01.2020. On doing so, she shall be enlarged on bail by the trial Court subject to her furnishing bail bonds and surety bonds to its satisfaction. This shall be subject to payment of costs of Rs.20,000/- to be deposited with the District Legal Services Authority, Kapurthala. Til then, she shall not be arrested.

The petitioner shall also file an undertaking before the concerned Court that she shall attend the trial on each and every date, without any default.

Disposed of accordingly.

December 16, 2019
Pardeep/g

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes/No