

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-3749 of 2019

Date of Decision: 06.01.2020

Sudesh Kaur

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

Criminal Misc. No.M-28680 of 2019

Manmeet Singh

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Pradeep Sharma, Advocate
for the petitioner(s).

Mr. Hittan Nehra, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

This order shall dispose of two petitions i.e. CRM-M-3749-2019 titled as *Sudesh Kaur vs. State of Punjab & another* and CRM-M-28680-2019 titled as *Manmeet Singh vs. State of Punjab & another*, filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of orders dated 12.12.2017, 09.02.2018, 04.04.2018 and

17.07.2018, (Annexures P-1 to P-4), whereby the petitioners have been declared as proclaimed offenders along with consequential proceedings arising therefrom.

Whereas Sudesh Kaur is mother-in-law of Jaspreet Kaur, Manmeet Singh is husband of Jaspreet Kaur in the present case. The present FIR No.0093 dated 25.10.2017 under Sections 406, 498-A IPC, Police Station Women, Police Commissionerate, Ludhiana was registered at the behest of Prabhjot Singh, who is brother of Jaspreet Kaur. The marriage of Jaspreet Kaur was solemnised with Manmeet Singh on 05.07.2009.

On January 29, 2019, this Court has passed the following order in CRM-M-3749-2019:-

“Learned counsel for the petitioner states that vide order dated 17.07.2018 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Ludhiana, the petitioner has been declared as a proclaimed offender. He states that when the notice under Section 41(A)(1) Cr.PC was issued vide order dated 12.12.2017 passed by learned Judicial Magistrate 1st Class, Ludhiana, the petitioner was residing in Australia and thereafter, she came to USA and as on date, she is residing in USA. Since the FIR in question was registered in her absence, she not being in India, the proceedings for declaring him as a proclaimed offender have wrongly been initiated as she was never served in the case.

He further states that the petitioner is ready to surrender/appear before the trial Court and to face the trial. The dispute in the case is a matrimonial one.

Notice of motion for 01.04.2019.

Meanwhile, in case the petitioner surrenders/appears before the trial Court within a period of two months from

today and gives an undertaking that she is ready to face the trial and shall not leave the country without permission of the Court, the trial Court shall admit her on interim bail subject to furnishing adequate bail and surety bonds to its satisfaction. The interim bail is, however, subject to her depositing costs of Rs.25,000/- to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

Petitioner shall not be arrested at the airport on her arrival in India within the aforesaid period."

Similar order was passed in CRM-M-28680-2019 on 09.07.2019.

Counsel for the petitioners states that apart from the fact that the petitioners have deposited costs, as imposed by this Court, the petitioners have appeared before the trial Court and they have been admitted on interim bail. The petitioners undertake to face trial in accordance with law. Photocopies of the receipts dated 22.02.2019 and 23.07.2019 issued by Hospital Administration, PGIMER, Chandigarh, whereby costs have been deposited by the petitioners, is taken on record.

Learned State counsel, on instructions from ASI Bipin Kumar, does not dispute the fact that the petitioners have surrendered before the trial Court and have been admitted on interim bail.

I have heard learned counsel for the parties.

It being a matrimonial dispute between the parties and the petitioners have already surrendered before the jurisdiction of the trial Court so as to face trial in accordance with law. This Court having recourse to judgment of this Court in the case of **Narinder Singh & another Vs.**

State of Punjab & another 2019(1) RCR (Criminal) 741 allow the present petitions. Accordingly, the orders dated 12.12.2017, 09.02.2018, 04.04.2018 and 17.07.2018, (Annexures P-1 to P-4), whereby the petitioners have been declared as proclaimed offenders and all consequential proceedings arising pursuant to PO orders are hereby set aside.

A photocopy of this order be placed on the file of other connected case.

January 06, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No