

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

CRM-M No.14936 of 2020 (O&M)
Date of Decision.12.06.2020
(Heard through VC)

Prince Kumar @ Happy

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Munish Gulati, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for quashing of order dated 18.11.2019 (Annexure P-5) passed by the Court of Chief Judicial Magistrate, Moga vide which the petitioner has been declared as a proclaimed offender in case FIR No.256 dated 16.12.2018 registered under Sections 363, 366-A, 506 IPC at Police Station City Moga, District Moga.

Learned counsel appearing on behalf of the petitioner would contend that all allegations in the FIR are patently false as daughter of the complainant namely Jaskaran Kaur is married to petitioner and a baby girl is born out of the wedlock. He would further contend that father of Jaskaran Kaur was not happy with their relationship, which resulted in FIR being registered and relies upon affidavit (Annexure P-3) of the daughter of the complainant, which is available on the record. It is contended that they were not residing at the given address and therefore, service was not correctly effected. It is on that account that he did not put in appearance on the date when he was supposed to do so, however, prays for an opportunity to put in appearance before the trial Court and face the criminal proceedings.

Notice of motion.

On the asking of Court, Mr. Ramdeep Pratap Singh, Addl. A.G.,

Punjab, who is present through the medium of Video Conferencing accepts notice for the respondent-State.

I have heard learned counsel for the parties and have also perused pleadings of the case as well as the affidavit that has been furnished by Jaskaran Kaur wife of the petitioner and daughter of the complainant, who in no uncertain terms stated that she is residing happily with the petitioner-Prince Kumar @ Happy as husband and wife and out of which relationship, there is a minor daughter.

Without going into merits of the case whether the petitioner has been rightly declared as a proclaimed offender or not, this Court, by taking into account the COVID-19 pandemic situation, deems it appropriate to quash order dated 18.11.2019 passed by the Chief Judicial Magistrate, Moga and direct the petitioner to appear and join proceedings before the trial Court/Duty Magistrate, Moga within a period of two weeks from today. On doing so, the petitioner be released on interim bail by the trial Court/Duty Magistrate to its satisfaction. It is made clear that in case, the petitioner herein fails to appear/surrender before the trial court within the stipulated period of two weeks, the interim protection granted to him today, shall stand automatically vacated.

The instant petition stands allowed in the above terms.

(JAISHREE THAKUR)
JUDGE

June 12, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No