

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

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**CRM-M-18617 of 2020 (O&M)
Date of Decision: 15.07.2020.**

Kalsum

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Lalit Batra, J.(Oral)

This petition under Section 482 Cr.P.C. has been filed by the petitioner praying for quashing of order dated 23.09.2019 (Annexure P-5) passed by learned Additional Sessions Judge, Palwal, whereby warrant of arrest was issued against the petitioner and her husband and subsequent proceedings arising therefrom in Sessions Case No.243 of 2019 titled “State Vs. Imran” FIR No.34 dated 05.02.2019 under Section 307 IPC read with Section 34 IPC and Section 25 of Arms Act registered at Police Station Hasanpur, District Palwal.

Learned counsel for the petitioner *inter alia* contends that as name of petitioner was wrongly involved in the instant case, thus, for the said reason alone during the investigation, police have found the petitioner to be innocent. However, subsequently petitioner was summoned as accused by the trial Court while invoking provisions of

Section 193 Cr.P.C. Petitioner has already challenged the said order before this Court. This Court has already issued notice of motion in that petition and further directed the trial Court to adjourn the proceedings beyond the date fixed before this Court. Hence, under a wrong impression though totally mistaken, the petitioner could not appear before the trial Court. Learned counsel for the petitioner further urges that as a result, the trial Court after issuance of warrant of arrest has taken recourse to the process of proclamation to effect the appearance of petitioner in the Court. Accordingly, the petitioner is on the verge of being declared a proclaimed person. However, petitioner never intended to avoid the course of justice. As a matter of fact, petitioner intends to appear and to face the proceedings before the trial Court. Thus, prayer has been made that petitioner be protected against her arrest.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State. Complete copy of paper book has been supplied to learned State counsel.

Learned State counsel has no objection if the petitioner appears before the trial Court.

In view of above, the present petition is allowed and the impugned order dated 23.09.2019 (Annexure P-5) and subsequent proceedings arising therefrom are quashed qua the petitioner subject to petitioner appearing before the trial Court within fifteen days positively from today. It is further ordered that in case the petitioner so appears

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before the trial Court; then the petitioner shall be released on bail pending trial subject to her furnishing personal/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, as the case may be.

(LALIT BATRA)
JUDGE

15.07.2020

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Whether speaking/reasoned	:	Yes
Whether reportable	:	No