

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

Sr. No.106

**CRM-M-27675-2020 (O&M)
DATE OF DECISION: 28.09.2020**

PARMINDER KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Salil Dev Singh Bali, Advocate, for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

CRM-23873-2020

This application has been filed for placing on record Annexure
A-1.

For the reasons mentioned therein, the same is allowed and
Annexure A-1 is taken on record.

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The petitioner seeks quashing of order dated 16.01.2010
(Annexure P-7) whereby learned Chief Judicial Magistrate, Jalandhar
declared the petitioner P.O. in FIR No.20, dated 19.01.2004, registered at
Police Station Division No.4, Jalandhar, under Sections 406, 420, 465, 467,
468 & 471 IPC.

A perusal of the record reveals that for the same relief, the
petitioner had earlier approached this Court vide CRM-M-35315-2011
whereupon order dated 23.11.2011 was passed directing the petitioner to
surrender within 15 days from the date of the order and seek regular bail.
However, the petitioner failed to comply with the said order.

Nine years later, the petitioner has filed this second petition.

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Learned counsel for the petitioner argues that a long period of nine years has elapsed since the passing of the earlier order. No summons have been received till date from any Court nor any notice has been received from the police. Meanwhile, the petitioner has re-married and her present husband, after taking legal opinion, has advised her that she should appear before the trial Court and undergo the trial. In view of these changed circumstances, the petitioner deserves to be granted relief.

I am not convinced with the arguments.

Merely because no notice has been received by the petitioner nor any summons have been received, it cannot result in change in circumstances. After the petitioner has been declared a P.O. there is no question of any Court issuing summons to the petitioner nor the police is expected to issue any notice. A long period of nine years having elapsed in between, does not result in any changed circumstances. The petitioner should have complied with the order dated 23.11.2011 and should have sought regular bail. Having not done so, she has to suffer the consequences.

In view of order dated 23.11.2011, passed in CRM-M-35315-2011 (Annexure P-8), this petition for identical relief is not maintainable. The same is accordingly dismissed.

The petitioner shall however be at liberty to surrender before the trial Court within 07 days from today and in case, she does so and applies for regular bail, the trial Court is directed to consider the application sympathetically and in accordance with law.

28.09.2020

Ankur

Whether speaking/reasoned

Whether Reportable

(SUDHIR MITTAL)
JUDGE

Yes

Yes/No