

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

(Heard through V.C.)

Date of Decision: 03.03.2021

CRM-M-20851-2020

1.

Manjit Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

2.

CRM-M-11690-2019

Manjit Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.S. Rana, Advocate for the petitioners
in both petitions.

Mr. V.G. Johar, Sr.D. A.G., Punjab.

None for respondent No.2/complainant
in CRM-M-11690-2019.

JAISHREE THAKUR, J. (Oral)

The above noted two petitions are being disposed of by this
single judgment as both have arisen out of the same FIR.

In CRM-M-20851-2020, petitioners Manjit Kaur and
Paramjot Singh seek anticipatory bail in case FIR No.6 dated 30.07.2014
under Sections 420, 120-B, 467, 468, 471, 506 IPC registered at P.S.

NRI, Jagraon, District Ludhiana, whereas in CRM-M-11690-2019,

petitioners Manjit Kaur , Paramjot Singh and Gurcharan Kaur seek setting aside of order dated 03.10.2018 (Annexure P-6) therein, passed by Judicial Magistrate Ist Class, Jagraon, whereby all three of them had been declared proclaimed offender in the aforesaid FIR.

Learned counsel for the petitioners herein would contend that a marriage was solemnized between one Amarjeet Kaur and Gurpreet Singh Dhaliwal. However, on account of disputes that arouse between the parties to the marriage, FIR No.06 dated 30.07.2014 was registered at the behest of Gupreet Singh Dhaliwal against Amarjeet Kaur and others. The petitioners too were arrayed as accused, however, on investigation they were placed in Column No.2, by taking note of the fact that they were residents of Canada. It is only during proceedings before the trial Court that they were summoned as accused on an application filed under Section 319 Cr.P.C., to put in appearance before the Court. However, they were never served properly and consequently they were declared as proclaimed offenders by an order dated 03.10.2018.

Learned counsel for the petitioners herein would contend that being residents of Canada, as noted in the final report submitted, it was incumbent upon the State as well as the complainant to try and effect service on their residence in Canada through the concerned Embassy, which was never done and therefore, the order dated 03.10.2018 is unsustainable. It is further submitted that the petitioners are now in India and are ready to face the trial and, therefore, they should be permitted to put in appearance before the trial Court and contest the case while on bail.

State counsel opposes the bail application arguing that since the petitioners have been declared proclaimed offender, they should not be granted relief of anticipatory bail.

None is appearing on behalf of respondent No.2-complainant in CRM-M-11690-2019.

I have heard learned counsel for the parties and have perused the order so passed and deem it appropriate to permit the petitioners, who admittedly are residents of Canada, though present in India these days to join the proceedings of the trial by setting aside order dated 03.10.2018 whereby, they have been declared as proclaimed offenders.

Ordered accordingly. The petitioners are directed to put in appearance before the trial Court within two weeks from today and on their doing so, they will be released on bail to the satisfaction of the trial Court.

However, it is made clear that in case the petitioners do not put in appearance within a period of two weeks from today during which period, arrest of the petitioners will remain stayed, the instant petitions will be deemed to have been dismissed throughout.

It may also be observed that the petitioners may face trial before the Court below or avail of any alternative remedy since the co-accused have already been acquitted.

Both the petitions stand disposed of in the above terms.

03.03.2021

ps-I

(JAISHREE THAKUR)

JUDGE

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