

**266-B**

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

CRM-M-23659-2017

Date of decision : 29.10.2022

Beant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Harparteek S. Sandhu, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 01.12.2016 (Annexure P-4) declaring the petitioner as proclaimed offender passed by the Court of PCS, JMIC, Malerkotla in FIR No.39 dated 03.05.2014 registered under Sections 420, 467, 120-B of Indian Penal Code, 1860 and Section 82 of Registration Act, at Police Station Sandaur, District Sangrur.

On 10.07.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Heard.*

*Learned counsel for the petitioner submits that petitioner is residing at Canada and she has been declared proclaimed offender by sending notice in her village.*

*Notice of motion for 21.09.2017.*

*Sd/-(SURINDER GUPTA)*

*July 10, 2017*

*JUDGE”*

On 21.11.2018, another Coordinate Bench of this Court had

passed the following order:-

*“List on 28.03.2019.*

*However, petitioner is directed to surrender before the learned trial court within one month and on doing so, she shall be released on bail by that court to its satisfaction.*

*In the meantime, operation of the impugned orders dated 01.12.2016 (Annexure P-6) in CRM-M Nos.23613, 23761-2017 and 01.12.2016 (Annexure P-4) in CRM-M-23659-2017, shall remain stayed.*

*A photocopy of this order be placed on the file of connected cases.*

*Sd/-(RAJ SHEKHAR ATTRI)*

*JUDGE*

*November 21, 2018 ”*

Learned counsel for the petitioner, in pursuance of the abovesaid order, has submitted that the petitioner has appeared before the Court of Judicial Magistrate Ist Class, Malerkotla on 20.12.2018 and has passed on a photocopy of order dated 20.12.2018 during the course of arguments which is taken on record and marked as Mark 'X', and as per the same, the petitioner had appeared and had been released on bail. The order dated 20.12.2018 is reproduced hereunder:-

*“Present:- Sh. Savinder Saini, APP for State.*

*Accused Gurmail Singh and Beant Kaur in  
person with counsel Sh. Ajay Sharma, Adv.*

*File taken up today from the record room on moving application by the accused-applicant named above for releasing them on bail and for accepting their bail bonds. Along with application, they have placed on record certified copy order dated 05.12.2018 passed in CRM-M-42580-2018 in CRM-M-24172 of 2017 and CRM-M-Nos.23613, 23659 and 23761 of 2017 (O&M) by Hon'ble High Court. In the light of*

*above orders accused-applicant Gurmail Singh and Beant Kaur are ordered to be released on bail subject to furnishing of bail bonds in the sum of Rs.50,000/- each with one surety of like amount each. Requisite bonds furnished which are accepted and attested. Let, file be put up on 08.01.2019 the date already fixed.*

*Dec 20, 2018*

*Sd/- (Bikramdeep Singh), PCS*

*JMIC/Malerkotla,*

*UID No.PB0396*

*Next Date:08.01.2019”*

Learned counsel for the petitioner has submitted that the petitioner is now regularly appearing before the trial Court.

Learned counsel for the State, on instructions from ASI Jaswinder Kumar, has submitted that the petitioner has appeared before the trial Court and is now regularly appearing before the Court.

Keeping in view the abovesaid facts and circumstances, more so the facts that in pursuance of order dated 21.11.2018, the petitioner has appeared and is regularly appearing before the trial Court and it has been recorded in order dated 10.07.2017 that the petitioner was residing in Canada at the time when notices were being sent to her native village, the present petition is allowed and the order dated 01.12.2016 (Annexure P-4) passed by JMIC, Malerkotla, is quashed.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**29.10.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**