

CRM-M-3027-2018  
Reserved on :16.11.2022  
Pronounced on : 22.12.2022

Darshana Kumari @ Darshna Bhatti .....Petitioner

Vs.

State of Punjab and another .....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.  
  
Mr. Virat Rana, AAG, Punjab.  
  
Mr. Jagjeet Singh, Advocate for  
Mr. Amit Arora, Advocate for respondent No.2.

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ANOOP CHITKARA J.

| FIR No. | Dated      | Police Station                 | Sections |
|---------|------------|--------------------------------|----------|
| 14      | 31.12.2014 | NRI, Amritsar, Distt. Amritsar | 380 IPC  |

Seeking quashing of aforesaid FIR as well as proclamation order Annexure P-7, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

1. The accused could not be served through the ordinary process, including summons, bailable warrants, and even non-bailable warrants. The concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 07.11.2015.
2. Counsel for the petitioner has placed on record the copy of immigration slips which reveals that the petitioner-Darshana Kumari @ Darshna Bhatti had arrived in India on 02.03.2018.
3. A reference to the impugned order Annexure P-7 reveals that there is no reference to the fact that the petitioner was away from India. Given above, there was no knowledge to the petitioner about appearance as contemplated under section 82 CrPC. Thus, the order is arbitrary and did not afford reasonable opportunity as mandated under Section 82 of CrPC.

4. Given above, the impugned order dated 07.11.2015, passed by Chief Judicial Magistrate, Amritsar, is set aside. Consequently, the non-bailable warrants issued against the petitioner in the FIR captioned above, shall not be enforced. However, this order is subject to the petitioner's attending the trial regularly without any lapse or a single default. It is further clarified that this order shall not be construed as a bail order or a blanket stay in the trial. It has nothing to do with the present quashing petition for proclamation.

5. Liberty reserved to file an application for quashing of the FIR. It is clarified that this liberty shall not be construed to be order of bail in favour of the petitioner.

**Petition allowed in the terms mentioned above.** Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

22.12.2022  
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Whether speaking/reasoned: Yes  
Whether reportable: **No.**