

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24280-2022

Date of decision : 7.7.2022

Mohinder Kaur alias Surinder Kaur

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gurbhej Singh, Advocate
for petitioner.

Mr. B.S. Sewak, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

This petition has been filed for quashing the order dated 5.10.2015 (Annexure P-1) passed by learned JMIC, SBS Nagar whereby petitioner has been declared a proclaimed person.

FIR No. 31 dated 17.4.2015 was registered against petitioner and other co accused under Sections 323, 341, 506, 148, 149 IPC at Police Station Mukandpur, District SBS Nagar. As the offences were bailable, petitioner was released on bail by the investigating officer on furnishing personal bonds. The petitioner who is citizen of USA returned to USA on 25.4.2015. The challan was presented on 14.5.2015 in the absence of petitioner. As the petitioner did not appear before the Court, non bailable warrants were issued for securing her presence. Later, proclamation proceedings were initiated against petitioner and other co accused and they were declared proclaimed persons vide impugned order.

It is the case of petitioner that petitioner is a senior citizen. She was suffering from old age ailments. Her husband was chronic patient of severe pain in his right knee which got worsen after returning to USA. Her husband was operated upon on 1.4.2016 and right knee arthroplasty was done. Her husband remained under the follow up treatment. The orthopaedic surgeon at USA advised the husband of petitioner not to travel till he gets fully recovered. Due to

chronic medical conditions and multiple specialty appointments, her husband had to visit hospital for medication and treatment. Her husband was getting in-home supportive services. During this period, the petitioner herself also underwent back surgery in 2017 and was under continuous medical supervision. She was also advised not to make long distance trips. She was also under in-home supportive service in 2020. It was on account of these circumstances that petitioner was not able to attend the Court.

Learned counsel for petitioner states that it was never the intention of the petitioner evade the process of law. He states that petitioner is ready to surrender before trial Court and face trial.

Accordingly, petitioner may appear before the Court on or before 17.8.2022. On her doing so, she shall be released on interim bail by the Court to its satisfaction. This shall be subject to deposit of an amount of Rs. 75000/- (Rupees seventy five thousand) with the Bar Association, Punjab and Haryana High Court, Chandigarh. The petitioner would also submit an undertaking before the Court that she shall appear before the Court, as and when directed.

It is clarified that this order is limited only to quashing of order declaring the petitioner as a proclaimed person.

Disposed of.

(HARINDER SINGH SIDHU)
JUDGE

7.7.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No