

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

**CRM-M-2506-2023 (O&M)
Date of decision : 17.01.2023**

Poonam Sharma

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mansur Ali, Advocate and
Mr. Tushaar Madaan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 02.01.2023 passed by learned Judicial Magistrate Ist Class, Dasuya in case CIS No. CHI/286/2021, CNR No.PBHOA10006462021 arising out of FIR No.0028 dated 13.03.2019, under Section 420 IPC, at Police Station Dasuya, District Hoshiarpur vide which the petitioner was declared proclaimed offender.

It has been submitted by counsel for the petitioner that the petitioner was granted anticipatory bail and she duly joined investigation. He submits that subsequently, challan was presented and in the absence of the petitioner, no notice was given to the petitioner regarding the same. He submits that the P.O. proceedings were initiated in violation of provisions of Section 82 Cr.P.C. and the petitioner was declared Proclaimed Offender before expiry of 30 days. He further submits that the petitioner has no criminal antecedents and she is ready to appear before the Court concerned. He has also submitted that the daughter of the petitioner is getting married on 25.01.2023.

Notice of motion.

On asking of the Court, Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of the respondent-State.

Heard. After hearing counsel for the parties and perusing the record, it is evident that the petitioner is being prosecuted in the FIR for the offence under Section 420 IPC. Though the impugned order is revisable, however, this Court taking into consideration the facts and circumstances of the case, finds that the petitioner be allowed to appear before the Court concerned to enable her to file appropriate application for redressal of her grievance. Accordingly, present petition is disposed of with liberty to the petitioner to appear before the Court concerned within two weeks. In case the petitioner files an application for redressal of her grievance within this period, she would have protection from arrest for a period of two weeks from today. The Court concerned would deal with the application and decide the same expeditiously in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

17.01.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No