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2023 : PHHC : 122170

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5287-2022

Date of Decision: 15.09.2023

CHANCHAL RANI @ CHANCHAL DHAWAN ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Singh, Advocate for
Ms. Alka Chatrath, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Ritesh Pandey, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the order dated 03.01.2022 passed by learned Judicial Magistrate Ist Class, Gurdaspur vide which she has been declared as Proclaimed Offender.
2. On February 09, 2022, following order was passed by the Co-ordinate Bench:

“Heard through video conferencing.

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of impugned order dated 03.01.2022 (Annexure P-3) passed by the Judicial Magistrate Ist Class, Gurdaspur in case FIR No.291 dated 08.11.2013 (Annexure P-1) registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station Dina Nagar, District Gurdaspur, whereby the petitioner has been declared as Proclaimed Offender.

Counsel for the petitioner submits that the petitioner is a 66 years old lady, who is a relative of the husband of the complainant. He urges that though the petitioner was named in the FIR but she was not found to be involved and it was only after cancellation report was rejected by the Trial Court, she was summoned. He has referred to the Medical Certificate (Annexure P-4) to submit that the petitioner is suffering from Hypertension, Cardiac Enlargement and General Debility and needs regular treatment. He has instructions to state that the petitioner will surrender before the Trial Court within any reasonable time granted by this Court and also pay a sum of Rs.25,000/- to the complainant.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of respondent No.1- State.

Respondent No.2 be served for 09.03.2022.

In case, the petitioner surrenders before the Trial Court on or before 28.02.2022, joins the proceedings and moves an application seeking grant of bail, the Trial Court shall release her on interim bail on furnishing of adequate bail/surety bonds to its satisfaction. This will be subject to payment of Rs.25,000/- to the complainant, which will be a condition precedent for grant of interim bail to the petitioner.

To be heard alongwith CRM-M-48156 of 2021. ”

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has surrendered before the learned trial Court and on the application moved on her behalf, she has been released on interim bail. Furthermore, the amount of Rs.25,000/- has also been paid to the complainant.

4. Learned counsel for the parties are ad idem that the purpose of passing the impugned order for securing the presence of the petitioner has been secured and the petition may be disposed of by passing appropriate order to ensure the presence of the petitioner during the course of trial.

5. In these set of circumstances, the petition is disposed of with a direction that the petitioner who has already surrendered in the learned trial Court shall move an application for regular bail within a period of 4 weeks and the same be disposed of in accordance with law by the learned trial Court.

6. Meanwhile, the arrest of the petitioner be not effected till the disposal of the bail application and for a period of 15 days thereafter, in the event the bail application is dismissed. In the event, the petitioner moves appropriate application for bail within the aforesaid prescribed time period, the impugned order be not given effect.

15.09.2023

Janki

(VIVEK PURI)
JUDGE