

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

123

CRM-M-9196-2023

Date of Decision : 22.02.2023

Gurmeet Kaur Sohi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Chahit Bansal, Advocate for
Mr. Pardhuman Garg, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 28.03.2022 (Annexure P-5) whereby Judicial Magistrate Ist Class, Moga has declared the petitioner a proclaimed offender in FIR No. 106 dated 31.05.2017 under Sections 498-A/406/494 IPC, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner *inter alia* contends that the matter qua FIR in question has already been compromised between the parties. There are three accused in the FIR. All the accused entered into compromise with complainant, however, two accused filed CRM-M-7067-2019 before this Court seeking quashing of FIR on the basis of compromise. This Court vide order dated 08.08.2022 has quashed FIR qua co-accused. The petitioner being an illiterate lady could not join the proceedings as she was under wrong impression that quashing of FIR qua

others is also applicable to her. She was granted anticipatory bail, however, she failed to appear before trial Court under wrong impression of compromise. She is not involved in any other offence. She is ready to appear before trial Court. She is ready to face the trial and pay costs of Rs.10,000/-.

Notice of Motion.

On the asking of the Court, Mr. Amish Sharma, Asstt. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the fact, however, prays for imposition of costs.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in mind:

1. The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
2. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;
3. The Petitioner is not involved in any other offence;

- 4. Trial is pending since 2017 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
- 5. The main matter stands compromised and FIR stands quashed qua co-accused;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Order dated 28.03.2022 (Annexure P-5) is set aside and petitioner is directed to appear before trial Court on or before 01.03.2023 and on her doing so, trial Court would release him on bail subject to furnishing of bail bonds and payment of costs of Rs.10,000/-, as agreed, to be deposited with the Punjab and Haryana High Court Bar Association Lawyers Family Welfare Funds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

22.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>