

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10549-2022 (O&M)
Date of decision: 26.07.2023

Surinder Kaur ...Petitioner
Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Rishma Verma, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

Mr. Gurjant Singh, Advocate for respondent Nos.2 and 3.

HARNARESH SINGH GILL, J. (ORAL)

Through the present petition, the petitioner seeks quashing of the order dated 16.05.2017 (Annexure P-2) passed by the learned Chief Judicial Magistrate, Jalandhar, declaring the petitioner a proclaimed offender in case bearing FIR No. 12 dated 22.01.2017, registered under Sections 307, 34 IPC and Section 212, 216 and 120-B IPC added later on, and Section 25 and 27 of the Arms Act, at Police Station Division No. 7, Jalandhar Commissionerate, and all the consequential proceedings arising therefrom, on the basis of compromise dated 16.3.2021 (Annexure P-3).

Learned counsel for the petitioner submits that the petitioner is a lady of 65 years of age; that the petitioner is mother of main accused- Gursharan Singh @ Bhalu, who is having criminal antecedents; that the matter has been compromised between the complainant and the petitioner only, with the intervention of the respectables and that as per the compromise, the petitioner was not named in the FIR at an initial stage and her name was added later on.

Learned counsel appearing for respondent Nos.2 and 3 does not

dispute the factum of compromise.

I have heard the learned counsel for the parties and have also gone through the documents on record.

The petitioner is a lady of 65 years of age and now with the interventions of the respectables of the area the matter has been compromised between the complainant and the petitioner only and that as per the compromise, the petitioner was not named in the FIR at an initial stage and her name was added later on.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments as are passed qua him. The absence of the petitioner before the Court below appears to be non-intentional. If the accused shows his sincere intention and desire to appear before the Court, then it would be justified to protect him from being arrested.

Keeping in view the above fact, but without expressing any opinion on the merits of the case, the order dated 16.05.2017 is set aside qua the petitioner only, with a direction to the petitioner to surrender before the trial Court/Duty Magistrate, within 15 days from today, subject to her depositing the costs of Rs.10,000/- with the District Legal Services Authority, Jalandhar. On her doing so, the petitioner shall be released on bail, subject to her furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

26.07.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No