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

CRM-M-16113-2023

Date of Decision: 10.04.2023

Anita KohliPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Ms. Renu Arora, Advocate
for the petitioner.

Mr. Amit Dhawan, Advocate
for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the setting aside of order dated 16.03.2023 (Annexure P2) in FIR No. 0094 dated 20.10.2021 under Sections 406, 420, 120-B IPC registered at Police Station Division 4, District Jalandhar, vide which the learned CJM Jalandhar declared her a proclaimed person.

Learned counsel *inter alia* contends that the court below had erroneously declared the petitioner a proclaimed person vide the impugned order. In fact, the petitioner was not even aware about the institution of any criminal proceedings against her as she had never received any summons/notice/warrants qua the same. It was further submitted that since the house of the petitioner had been taken into possession by the Bank of India on 18.08.2022, she was not residing therein and hence this was one of the other reasons of she being unaware about the pendency of the criminal

proceedings against her. It was thus vehemently urged that in the above circumstances the impugned order was liable to be set aside.

Heard and perused the relevant material on record.

It is a matter of record that a petition seeking anticipatory bail was filed by the petitioner wherein on 06.12.2021 she undertook to surrender before the court below, but she failed to adhere to the undertaking given to the court and did not surrender. It was only thereafter i.e. after 1-1/2 years, the petitioner was declared a proclaimed person vide the impugned order dated 16.03.2023. It would be pertinent to observe here that the petitioner has tried to mislead this court by taking contradictory stands. On the one hand, it has been submitted that the petitioner was unaware about the pendency of the criminal proceedings against her as she had never been served. However, on the other hand, as already observed earlier, the petitioner had herself given an undertaking while filing her petition for anticipatory bail that she would surrender before the court.

In the facts and circumstances as enumerated herein above, this court does not find any merit in the submissions made by the learned counsel for the petitioner and is thus not inclined to invoke its inherent jurisdiction under Section 482 Cr.P.C. to set aside the impugned order.

The petition is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

10.04.2023
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No