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

**CRM-M No. 19847 of 2023
Date of Decision: 21.11.2023**

KAMALJEET KAUR

... Petitioner

Versus

RESHAM LAL AND ANOTHER

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Inderpal Singh, Advocate for
Bikramjit Singh Randhawa, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, Asstt. A.G. Punjab
for respondent No.2.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been preferred by the petitioner for quashing of the order dated 16.07.2022 (Annexure P-11) passed by learned Sub Divisional Judicial Magistrate Garhshankar in NACT No. 23 of 2021 dated 15.03.2021 titled as Resham Lal Vs. Kamaljeet Kaur”, whereby the petitioner has been declared as proclaimed person.

2. Learned counsel for the petitioner contends that in compliance of the orders dated 21.04.2023 petitioner had appeared before the trial Court

on 24.07.2023 and furnished bail bonds/surety bonds and as such prays for quashing of the impugned orders.

3. Learned counsel appearing on behalf of the State submits that petitioner had appeared before the trial Court on 24.07.2023 and had joined the investigation.

4. During the course of the pendency of the case following orders were passed on 21.04.2023:-

“1. Counsel for the petitioner submits that in a criminal complaint filed under Section 138 of the Negotiable Instruments Act filed by the respondent, petitioner was summoned to face trial vide order dated 15.03.2021 (Annexure P-1). However, in response to the said summoning order, petitioner never received any notice of his appearance before the Court. Counsel also refers to jimni orders appended with the petition.

2. Counsel for the petitioner further submits that vide impugned order dated 16.07.2022, petitioner has been declared as proclaimed person/absconder and further direction for registering a separate criminal miscellaneous case under Section 83 Cr.P.C. has been ordered.

3. Counsel for the petitioner also submits that recently, she came to know of the pendency of the said criminal complaint and she wishes to appear before the Court, which summoned the petitioner, for joining the proceedings of the trial. Petitioner also submits that if petitioner is protected from the arrest, she is ready to deposit some cost amount also.

4. Notice of motion for 24.07.2023.

5. On oral request of counsel for the petitioner, State of Punjab is impleaded as party in the present case as respondent No.2. Registry is directed to make necessary correction in the memo of parties.

6. At this stage, on asking of Court, Mr. JS Arora, DAG Punjab, who is present in Court, accepts notice on behalf of respondents No.2 (State).

7. Since paramount consideration of the Court is to secure the presence of the accused at the earliest to avoid the wastage of time and energy so that proceedings before it could

be completed sooner, therefore, if the petitioner appears on or before 02.05.2023 before the Court which summoned the accused/Duty Magistrate, she would be released on bail, subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

However, petitioner would be entitled for the concession of bail only after deposit of Rs. 15,000/- as cost amount with the Member Secretary, District Legal Services Authority, Hoshiarpur.

8. Till next date of hearing, order dated 16.07.2022 for declaring the petitioner as proclaimed offender/absconder & proceedings in pursuance thereto would remain stayed.”

5. After considering the respective submissions made by the counsel for the parties, it is admitted that in compliance with the above said order, petitioner had appeared before the trial Court and furnished bail/surety bonds and continuation of proceedings against the petitioner vide impugned order dated 16.07.2022 (Annexure P-11) will serve no purpose. As a consequent, in the light of the above facts and circumstances, impugned order dated 16.07.2022 (Annexure P-11) passed by learned Additional Civil Judge (SD)-cum-Sub Divisional Judicial Magistrate Garshankar is hereby set aside and the petition is allowed accordingly.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.11.2023

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i)	Whether speaking/reasoned?	Yes
ii)	Whether reportable?	Yes