

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

CRM-M-20996-2023

Date of Decision: 27.04.2023

Amarjit Kaur

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Thakur, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

Prayer in the present petition is for quashing of order dated 14.12.2022 passed by the learned JMIC, Dasuya, whereby the petitioner has been declared proclaimed person in a complaint case bearing NACT No.307 of 2017 dated 24.11.2017 titled as Surinder Pal vs. Amarjit Kaur.

It has been submitted by learned counsel for the petitioner that though the impugned order has been passed in violation of the statutory provisions of Section 82 Cr.P.C., however, de hors the merit of the case, the petitioner is ready to pay the entire cheque amount to the complainant for compounding the offence. He submits that in the facts and circumstances of the case, prosecution of the petitioner would be nothing but an abuse of the process of the Court. He submits that the petitioner is ready to appear before the competent Court and face the trial.

Notice of motion to the official respondent only.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab. accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has

rightly declared the petitioner as proclaimed person on 14.12.2022, who remained absent without any reason.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was arrayed as an accused in the complaint and thereafter, she was declared proclaimed person on 14.12.2022 and now she is ready to pay the entire cheque amount to the complainant for compounding the offence. In view of the above, this Court is of the view that the present petition can be disposed of today itself. As the petitioner is ready to pay the entire cheque amount, no useful purpose will be served by sending her behind the bars, rather it would be appropriate if she is directed to join the proceedings. So keeping in view the abovesaid contentions, the petitioner is directed to appear before the trial Court subject to payment of Rs.25,000/- to be paid to the complainant as by absenting herself she has delayed the proceedings, within 10 days from today and the order dated 14.12.2022 is set aside.

In case, the petitioner appears and surrenders before the Court concerned within 10 days and files an appropriate application, the Court concerned would admit her to bail subject to its satisfaction. It is made clear that the bail/surety bonds shall be accepted alongwith the costs of Rs.25,000/- to be deposited by the petitioner on the same day and the said costs shall be paid to the complainant on his appearance. The petitioner will have protection from arrest for a period of 10 days. She is free to raise her contentions regarding settlement by paying the entire amount to the complainant before the trial Court.

Needless to say that in case the petitioner fails to comply with

the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court.

27.04.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No