

CRM-M-19840-2019

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

CRM-M-19840-2019
Date of decision : 12.05.2023

PARAMJEET KAUR

... Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.
Mr. Harkanwar Jeet Singh, Asst. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 22.04.2015 (Annexure P-4) passed by the Chief Judicial Magistrate, Ferozepur, whereby the petitioner was declared a proclaimed person in FIR No.245 dated 25.08.2014 under Sections 15/18/21, 22, 27-A, 28, 29, 30 of NDPS Act and Section 52-A/42 of Prisons Act, 1894 at Police Station City Ferozepur, District Ferozepur.

2. The learned counsel for the petitioner contends that the petitioner has been illegally and unlawfully declared a proclaimed person. In fact, she had never been served with any summons or warrants and therefore, was unaware about the proceedings pending against her. She was married to Saraj Bau @ Bau who was named in a number of cases and in the year 2014 had been lodged in Central Jail at Faridkot. Because of the said fact, differences had cropped up between the petitioner and her

husband and she had started residing at Ferozepur City. He contends that the petitioner has been implicated only because she was the wife of Saraj Bau @ Bau and the allegations were that the drugs supplied by Saraj Bau @ Bau to inmates was for consideration and the money received was deposited in the bank account of the petitioner and other accused. He contends that the allegations were absolutely baseless. He further contends that the husband of the petitioner had been acquitted as was borne out from the judgment 05.04.2018 (Annexure P-2). Since she had become aware of these proceedings much later, the impugned order ought to be quashed.

3. I have heard the learned counsel for the petitioner at length.

4. A perusal of the record would reveal that an FIR No.245 dated 25.08.2014 had been registered against a number of accused with the allegations that the said accused including Bau Ram @ Bau son of Butta wife of the petitioner were inmates of Central Jail, Ferozepur and would supply various intoxicating substances to the other inmates. For the said supply money was received in the bank account of the relatives/friends of the accused/inmates. Money had also been received purportedly in the bank account of the petitioner. Be that as it may, the husband of the petitioner along with the other accused came to be acquitted vide judgment dated 05.04.2018 (Annexure P-2). It is only then that the petitioner chose to file the instant quashing petition in the year 2019. The argument raised by the petitioner that she was unaware of the proceedings pending against her cannot be believed. Her husband was facing trial in the aforementioned FIR and allegations had been levelled against her as well that proceeds of sale of drugs had been received in her bank account. Therefore, the question of the

petitioner not knowing that the trial in the aforementioned FIR had been pending does not arise.

5. It may also be relevant to mention here that if a petition for the quashing of an order whereby an accused was declared a proclaimed offender/person was entertained when the other co-accused had already faced trial and had been either convicted or acquitted, it would put a premium on the illegal conduct of an absconding accused who would wait for the outcome of the trial qua the other accused and only then approach the Court for relief by way of either seeking quashing of the order whereby he was declared a proclaimed offender/person or of the FIR itself. This conduct is completely unacceptable. In fact, the challenge to an order whereby an accused is declared a proclaimed offender/person on the grounds of violation of procedure under Section 82 Cr.P.C. purportedly not having been properly complied with would also not be maintainable especially in those cases where from the peculiar factual scenario on the record, it was apparent that the absconding accused was aware of the pendency of criminal proceedings/Trial. In the instant case, as has already been mentioned above, the petitioner is the wife of an accused who was facing trial. There is absolutely no evidence to suggest that they were estranged or that the petitioner was unaware of the proceedings against her husband.

6. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same is dismissed.

7. However, the petitioner is at liberty to surrender before the Trial Court and seek regular bail and in case she does surrender within the

next two weeks, the Trial Court shall decide the application of the petitioner for the grant of bail as expeditiously as possible.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.05.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No