

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

261

CRM-M-24638-2023 (O&M)

Date of decision: 21.09.2023

Rinki Verma @ Rinky Verma

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tushar Sharma, Advocate for
Mr. Aakash Singla, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed for quashing of the impugned orders dated 11.04.2022, Annexure P-4, whereby the bail of the petitioner was cancelled and non-bailable warrants were issued against her; dated 18.11.2022, Annexure P-7 whereby the proclamation proceedings were initiated against her and dated 02.03.2023, Annexure P-8, declaring her as a proclaimed person, in complaint No. NACT-600-2018 dated 12.07.2018, under Section 138 NI Act.

2. Learned counsel contends that the petitioner was granted regular bail by the trial Court, whereafter, she continued to appear before the trial Court. The case was adjourned to 11.04.2022 for defence evidence, on which date, the petitioner could not cause appearance before the trial Court due to health related issues and family problems, which led to cancellation of her bail and forfeiture of her bail/surety bonds. Thereafter, the proclamation process was initiated against her, which led to the passing of order dated 02.03.2023, whereby she was declared

a proclaimed person. The absence of the petitioner is neither wilful nor deliberate and on account of the reason aforesaid. She is ready and willing to join the proceedings and it is prayed that one opportunity may be granted to her to surrender before the trial Court. Reliance is placed on the orders of this Court in CRM-M-38277-2022 dated 26.08.2022, in the case of **Surjit Singh vs. State of Punjab**, CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022 and CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022. He further contends that the dispute stands settled *inter se* parties and that he will file an application under Section 147 NI Act before the trial Court.

3. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus, there is no requirement of effecting service upon him.

4. Heard.

5. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

6. Keeping in view the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon her for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and taking it to the logical end. Accordingly, the impugned orders are set aside and the petitioner is directed to surrender before the trial Court on or before 15.10.2023, she is allowed to remain on the same bail/ surety bonds as had been furnished by her at the time for

granting regular bail. She shall also furnish an undertaking by way of an affidavit that she will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. She shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

7. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

September 21, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No