

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

207+2

CRM-M-26621-2020

Date of Decision: 26.04.2023

Khalda Parveen and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sunny Kumar Singla, Advocate for the petitioners

Mr. Vipin Pal Yadav, Addl. AG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. On 08.09.2020, the following order was passed:-

“Ld. Counsel for the petitioners draws attention of the Court to the impugned order passed by the Ld. Judicial Magistrate 1st Class, Moga on 17.12.2018 vide which the petitioners were declared Proclaimed Persons after it was recorded that the proclamation against them had been affixed on 14.11.2018. However, from the copy of the relevant proclamation which is on record herewith as a part of Annexure P-4 (in CRM-M-26621-2020), it reveals that the publication effected on 14.11.2018 was for 16.11.2018, i.e., just two days later. Hence, contends further that the publication was not in accordance with law as the stipulation of minimum period of 30 days had not been maintained till the date of scheduled compliance.

Notice of motion.

Mr. Randhir Thind, Deputy Advocate General, Punjab to accept notice on behalf of the respondent-State.

Let a copy of the Paperbook be supplied to him.

Adjourned to 09.10.2020.

In the meantime, operation of the impugned order shall remain stayed at this stage and it is directed that no coercive steps shall be taken against the petitioners”

2. Learned counsel for the petitioners submits that petitioners are ready to join investigation as well as face the trial. They could not join investigation on account of pendency of different petitions before this Court as well as absence of direction to join investigation. Learned counsel for the petitioners further submits that petitioners agree to pay costs.

3. Learned State counsel submits that petitioners may be subjected to costs of Rs.25,000/-, however, he does not dispute the factual position and seeks direction to petitioners to join investigation.

4. In view of order dated 08.09.2020 passed by this Court and statements of both sides, impugned order dated 17.12.2018 (Annexure P-3) passed by Judicial Magistrate, 1st Class, Moga in FIR No.60 dated 10.06.2018 under Sections 452, 354-B, 323, 148 & 149 of IPC registered at Police Station Ajitwal, District Moga, is hereby quashed subject to payment of costs of Rs.25,000/- payable to **‘Poor Patients Welfare Fund, P.G.I.M.E.R., Chandigarh’**. The costs shall be paid within 30 days from today.

(JAGMOHAN BANSAL)
JUDGE

26.04.2023
Mohit Kumar

Whether speaking/reasoned Yes/No

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>