

273 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-32951-2023 (O&M)****Date of decision: 05.09.2023**

Sheela

...Petitioner

VS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Ram Kumar Chauhan, Advocate,
for the petitioner.

Mr.Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is for quashing of order dated 06.03.2023 (Annexure P-4) whereby learned Additional Chief Judicial Magistrate, Panchkula, declared the petitioner proclaimed offender and directing further to register an FIR under Section 174-A of IPC. Trial in main case is pending vide FIR No.330, dated 03.12.2018, registered under Section 406, 420, 494, 120-B IPC, at, Police Station Chandi Mandir, District Panchkula.

2. Succinct facts first, as pleaded in the instant petition.

2.1. Learned counsel submits that during the first wave of Covid-19 pandemic petitioner was granted interim bail in the aforesaid FIR vide order dated 26.3.2020 on furnishing the bail bonds/personal bonds in the sum of Rs.30,000/-. Before release of the petitioner, she was also granted regular bail by learned Additional Sessions Judge, Panchkula vide order dated 21.3.2020 but petitioner had not furnished the bail bonds/surety bonds because counsel before learned trial Court not informed the petitioner regarding grant of regular bail by the learned Additional Sessions Judge, Panchkula.

2.2 Due to communication gap between the petitioner and counsel before learned trial Court, bail bonds were not furnished by the petitioner in the regular bail which was granted vide order dated 21.3.2020 Annexure P-1. In the meantime, counsel appearing before learned trial Court Sh. Raj Kumar Chaudhary, Advocate suffered brain stroke in the month of October, 2022 and due to illness of the counsel, petitioner could not be informed about the initiation of proclamation proceedings against her.

2.3 Vide order dated 01.11.2022 Annexure P-2, learned trial Court cancelled the bail bonds and surety bonds of the petitioner which were furnished on 26.3.2020 as per guidelines of Hon'ble Apex Court during Covid-19 pandemic period and non-bailable warrants were issued on 25.11.2022 and thereafter, proclamation was issued on 20.1.2023 Annexure P-3. Ultimately vide order dated 6.3.2023 Annexure P-4, petitioner was declared as proclaimed person.

Hence, the present petition.

3. Learned State counsel, on advance service of petition, appears on behalf of respondent-State of Haryana and has tendered a reply dated 02.09.2023, which is taken on record wherein opposes the prayer made and submits that learned trial Court rightly declared him proclaimed offender as she herself chose not to appear.

4. Heard.

5. In the instant case, since the very purpose of initiating proceedings against petitioner under Section 82 Cr.P.C. was to ensure her presence before learned trial Court and petitioner is ready to give an undertaking before the Court that she will appear before the Court below as and when required, therefore, no useful purpose would be served to continue proceedings under Sections 82/83, *ibid*.

6. In the premise, impugned order dated 06.03.2023 (Annexure P-4) cannot be sustained and same is set aside. Petitioner be released on personal bond on her causing appearance before the Court below within three weeks from today, on furnishing bail bonds to its satisfaction. Petitioner shall join proceedings before learned Court below and shall continue to appear without default during pendency of trial. Additionally, in case her arrest is required to be caused, the petitioner shall be released on bail by the Arresting Officer, on furnishing adequate bail and surety bonds to his/her satisfaction.

7. However, it is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant petition alone and learned Court below shall proceed without being influenced with this order.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

05.09.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No