

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

CRM-M-34623-2022

Date of decision: 10.05.2023

KULWANT KAUR BARING

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sahil Khunger, Advocae
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 16.10.2019, passed by the Court of learned Judicial Magistrate First Class, Moga (Annexure P-1), whereby the learned Judicial Magistrate First Class, Moga, declared the present petitioner as proclaimed offender in FIR No.100 dated 21.06.2016 under Sections 406/420 IPC, registered at Police Station Dharamkot, District Moga (Annexure P-2).

On 18.10.2022, following order was passed:-

“This is an application filed under Section 482 of Cr.P.C. seeking extension of time as granted vide order dated 05.08.2022 to appear before the trial Court and to deposit an amount of Rs.75,000/-.

“Learned counsel for the applicant-petitioner has submitted that in pursuance of order dated 05.08.2022, the applicant-petitioner had sought permission from her employer to travel to India but the same was declined and it is only subsequently that the said permission has been granted i.e., on 23.09.2022 and leave has been granted to the applicant-petitioner for a period w.e.f. 06.10.2022 to 28.02.2023. It is further submitted that the period of two months granted vide order dated 05.08.2022 has elapsed. It is contended that the applicant-petitioner would appear before the trial Court and the Investigating Officer within a period of two weeks from today and would also deposit an amount of Rs.75,000/- within a period of two weeks from today before the trial Court.

On the other hand, learned State Counsel has opposed the present application.

Keeping in view the aforesaid facts and circumstances as well as averments made in the application, the present application is allowed and the applicant-petitioner is directed to appear before the trial Court and the Investigating Officer within a period of two weeks from today and would also deposit an amount of Rs.75,000/- within the aforesaid period with the trial Court and the trial Court is directed to release the said amount to the complainant. In case, the applicant-petitioner appears within a period of two weeks from today before the trial Court, then the applicant-petitioner would be released on interim bail subject to her furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court.

It is made clear that in case, the applicant-petitioner does not surrender within a period of two weeks or does not deposit the abovesaid amount within the aforesaid period, then the present application as well as main petition would be liable to be dismissed.”

Learned State counsel, on instructions from ASI Jasvir Singh, submits that in terms of order dated 18.10.2022, the petitioner did not appear before the trial Court and has also not deposited the amount of Rs.75,000/-.

In view of the above, the interim orders dated 05.08.2022 and 18.10.2022 stands withdrawn and consequent thereof, the instant petition stands dismissed.

10.05.2023
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No