

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

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CRM-M-34845-2023

Date of Decision :-20.07.2023

Dalbir Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of order dated 01.07.2023 passed by the Judicial Magistrate 1st Class, Amritsar (Annexure P-3), whereby, the petitioner has been declared a proclaimed offender.

Learned counsel for the petitioner argues that it is a conceded fact that due to the medical ailment, the petitioner could not appear before the trial Court on couple of hearings but before the order dated 01.07.2023 (Annexure P/3) was passed, the petitioner had already filed an application seeking grant of anticipatory bail but ignoring the said request, the petitioner has been declared a proclaimed offender.

Learned counsel for the petitioner submits that as the petitioner is suffering from diabetes and knee problem, her absence was not intentional and the same was beyond her control, which fact has not been considered by the trial Court. Learned counsel for the petitioner prays that the impugned order dated 01.07.2023 (Annexure P/3) may kindly be set aside and the

petitioner be allowed to join the proceeding, even if, by imposing a cost.

Notice of motion.

Mr. Jaswinder Singh Arora, DAG, Punjab accepts notice on behalf of the respondent-State.

Learned State counsel submits that in case, the petitioner was suffering from any ailment, she should have sought exemption for appearance from the competent Court of law by filing an appropriate application and in the absence of any such application for exemption, the Court is left with no option but to proceed in accordance with law by initiating the proclamation proceedings.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has been extended concession of bail on certain conditions, it is imperative that the petitioner should attend all the proceedings unless and until an exemption is granted by the competent Court of law. Keeping in view the averment made in the present petition qua the medical ailment of the petitioner due to which, the petitioner could not appear in the Court proceeding, by giving the petitioner a benefit of doubt, another opportunity is granted to the petitioner to join the proceeding subject to payment of cost of Rs.10,000/- with a clear condition that henceforth, the petitioner will not remain absent from the Court proceedings unless and until she is granted prior exemption by the competent Court of law.

Keeping in view the above, present petition is allowed. Order dated 01.07.2023 passed by the Judicial Magistrate 1st Class, Amritsar (Annexure P-3) is set aside. Petitioner is directed to surrender before the trial Court within a period of 10 days from today and in case, the petitioner

surrenders before the trial Court and files an appropriate application seeking bail, the same be considered sympathetically by passing an appropriate order on the same date.

July 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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