

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37109-2023 (O&M)
Date of Decision : 21.09.2023

Shallu Kapoor

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit Kakkar, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab,

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) for quashing of the order dated 09.01.2023 pending trial in FIR No.12 dated 17.02.2015 under Sections 498-A, 494 of the Indian Penal Code, 1860 registered at Police Station Women Amritsar City, Punjab whereby the petitioner has been declared a proclaimed offender.

2. Learned counsel for the petitioner would contend that proclamation was issued qua the petitioner vide order dated 14.11.2022 for 07.12.2022. Learned counsel would further contend that the said proclamation was in contravention of the provisions of Section 82 CrPC which contemplates a period of not less than 30 days for appearance of the accused from the date of publication of the proclamation. Learned counsel would further contend that the petitioner could not appear due to certain medical conditions and she had infact filed an application for exemption on

the previous date, which was declined. Learned counsel would further contend that the petitioner is willing to surrender and join the trial on the next date of hearing fixed before the Trial Court i.e. 27.09.2023.

3. Notice of motion.

4. Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the respondent-State. He is not in a position to dispute the fact that the order dated 09.01.2023 whereby the proclamation was made is in contravention of Section 82 CrPC which mandates a period of 30 days for appearance of the accused.

5. I have heard learned counsel for the parties.

6. In view of the fact that the proclamation was in contravention of provisions of Section 82 CrPC, this Court deems it appropriate to set aside the impugned order and to grant one opportunity to the petitioner to surrender/join proceedings before the Trial Court on the date fixed before it. Accordingly, the impugned order dated 09.01.2023 (Annexure P-1) is set aside and the petitioner is directed to surrender/join proceedings before the Trial Court on 27.09.2023 and in case she does so and files an application for regular bail, the learned Trial Court/Duty Magistrate concerned shall consider the same on the same day itself.

7. The present petition is disposed off accordingly. Pending applications, if any, also stand disposed off.

September 21, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO