

CRM-M-43487-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43487-2023

Date of decision: 02.09.2023

GULSHAN KAUR

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Ramandeep Kaur Suhag, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

1. Challenge in the present petition is to the order dated 04.07.2023 passed by learned Sub Divisional Judicial Magistrate, Jagraon, vide which the petitioner has been declared a proclaimed person in case bearing FIR No.32 dated 07.02.2023, registered at Police Station City Jagraon, Ludhiana, under Sections 21 and 25 NDPS Act, and Sections 307, 337, 338 and 427 IPC.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has indicted on the disclosure statement of co-accused, namely, Jagtar Singh from whom recovery of 50-gram heroin had been effected, and that the aforesaid co-accused has since been granted the concession of bail by the trial Court. It is further submitted that since the petitioner has been indicted on the disclosure statement of the co-accused, she had no knowledge about the registration of the present case; that during pendency

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of bail petition before this Court, the petitioner has been declared a proclaimed person. It is further submitted that the petitioner also approached this Court by way of CRM-M-40116-2023 for quashing the order of warrants of arrest issued against her, but the said petition was dismissed as withdrawn on 18.08.2023 on the ground that the petitioner was declared a proclaimed person on 04.07.2023. It is further submitted that the petitioner has not intentionally evaded the process of law and that even provisions of Section 82 Cr.P.C., have not been complied with. It is further submitted that the petitioner is ready to surrender before the concerned Court and face the trial.

3. Notice of motion.

4. On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and submits that factum of registration of FIR against her, was in the knowledge of the petitioner and due to the reason, she filed the petitions seeking bail and quashing the warrants of arrest issued against her.

5. I have heard the learned counsel for the parties.

6. In the present case, the petitioner was not named in the FIR but rather, she has been indicted on the disclosure statement of the co-accused, who has already been bailed out. Indisputably, the petitioner was declared a proclaimed person when she was pursuing the remedies before this Court.

7. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments as are passed qua the

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accused. If the accused shows his/her sincere intention and desire to appear before the Court, then it would not be unjustified to protect him/her from being arrested. In the present case, the petitioner is ready to surrender before the trial Court and to face the trial.

8. Keeping in view the above facts, but without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court/Duty Magistrate/Illaqa Magistrate, within 15 days from today, subject to her depositing the costs of Rs.15,000/- with the concerned District Legal Services Authority. On her doing so, the petitioner shall be released on bail, subject to her furnishing the bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

02.09.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No