

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CRM-M-46758-2023 (O&M)
Date of decision: 24.11.2023

Sunita Choudhary @ Sunita Chaudhary

...Petitioner

Versus

State of UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Prashant Singh Chauhan, Advocate for
Mr. Vishal Singh, Advocate for the petitioner.

Mr. Tarun Vir S. Lehal, Addl PP, UT Chandigarh
for respondent No.1.

VIKAS SURI, J. (Oral)

1. Prayer in the present petition under Section 482 Cr.P.C. is for quashing of order dated 13.04.2023 (Annexure P-6) passed by Judicial Magistrate First Class, Chandigarh, whereby the petitioner has been declared as proclaimed offender in complaint bearing No.NACT/16447/2019 dated 09.10.2019 under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the petitioner submits that two petitions were filed impugning verbatim orders on similar facts and circumstances. The other petition being CRM-M-38845-2023 titled *Sunita Choudhary @ Sunita Chaudhary vs. State of U.T. Chandigarh*

and another came up before a co-ordinate Bench and has been disposed of vide order dated 09.08.2023. The said order reads as under:-

“The petitioner is seeking quashing of order dated 13.04.2023 (Annexure P-7) passed by learned Judicial Magistrate 1st Class, Chandigarh, whereby the petitioner had been declared as proclaimed offender in complaint bearing No.NACT/16445/2019 dated 09.10.2019 and all other subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner at the outset submits that the petitioner is ready and willing to appear and surrender before the trial Court. Hence, in the aforementioned facts and circumstances, petitioner be protected till her appearance before the trial Court and with directions to the trial Court that her bail application, which she would be filing on her surrender, be decided expeditiously.

3. Notice of motion.

4. On asking of the Court, Mr. Sidakmeet Singh Sandhu, Additional Public Prosecutor, Chandigarh, accepts notice on behalf of respondent No.1.

5. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with directions to the petitioner to appear and surrender before the trial Court within seven days from today. Till then, no coercive steps be taken against the petitioner.

6. It is made clear that in case, the petitioner fails to surrender before the trial Court within seven days from today, this order shall be of no avail to her. In case, on appearance and surrender, the petitioner moves an application for bail before the trial Court, the same shall be decided expeditiously by the trial Court in accordance with law.”

3. In light of the above, the instant petition is disposed of with a direction to the petitioner to appear and surrender before the trial Court

within 07 days from today, in which event, no coercive steps be taken against the petitioner.

4. On his appearance and surrender before the trial Court, if the petitioner moves an application for bail, the same shall be decided expeditiously in accordance with law.

5. Needless to observe that in case the petitioner fails to comply with the above said direction, the protection granted herein shall cease to exist.

6. Petition is disposed of with the aforesaid observations.

November 24, 2023

sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No