

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:131236
CRM-M-46442-2023 (O&M)
Date of Decision: October 10, 2023

Preet Kalsi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Himendra Pal Singh, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM-42284-2023

This is an application under Section 482 Cr.P.C. to place record copies of zimni order in case titled as “*State v. Preet Kalsi*” as Annexure P-7 in continuation of annexures already on record with the petition.

Allowed.

Annexure P-7 is taken on record.

Main Case

Prayer in this petition is for quashing the order dated 17.05.2023 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Panchkula, whereby the petitioner has been declared as proclaimed person in case FIR No.71, dated 22.05.2018, under Sections 406, 420, 120-B IPC, registered at Police Station Sector 20, Panchkula along with subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioner was regularly appearing before the Court being on bail. On 17.11.2022, petitioner could not appear due to sickness and her application for exemption was dismissed by the Trial Court and her bail was cancelled and warrants of arrest were issued. Later on, after issuing

proclamation notice under Section 82 Cr.P.C., petitioner has been declared as proclaimed person.

3. Learned counsel for the petitioner contends that petitioner is ready to surrender before the Trial Court and she be provided necessary protection.

4. Notice of motion.

5. Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent No.1-State.

6. Learned State counsel has drawn attention towards the conduct of the petitioner and has prayed for dismissal of the petition.

7. A perusal of Annexure P-7 as placed on record would reveal that though the petitioner was earlier on bail, she applied for personal exemption on medical ground, which was allowed on 10.08.2022. Then her appearance was exempted on the same ground on 29.09.2022. She moved application for exemption for the third time on 17.11.2022 on the medical ground, which was declined.

8. Perusal of the order dated 17.11.2022 passed by the Trial Court would reveal that though it was mentioned by the petitioner in the application that she had no objection if the evidence is recorded in her absence, but her counsel was not available for examination of witnesses and it is because of this reason that her bail was cancelled. Earlier also, when the appearance of the petitioner was exempted on 10.08.2022 and on 29.09.2022, it was specifically mentioned in the application that she has no objection if the evidence is recorded in her absence.

9. Having regard to all the facts and circumstances, petitioner is directed to surrender before the Trial Court on or before 30.10.2023. On her such surrender, the Trial Court shall initiate the proceedings under Section 446 Cr.P.C. against the petitioner and after disposal of those proceedings, shall grant bail to the petitioner. Till the disposal of the proceedings under Section 446 Cr.P.C., the petitioner shall not be taken into custody. If in the meantime, due to declaration of the petitioner as proclaimed person, she is sought to be arrested, she shall be admitted to interim bail to the satisfaction of the Investigating Officer.

Disposed of.

October 10, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No