

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-51577-2023

Date of Decision:-15.12.2023

Gurmit Kaur @ Malkiat Kaur @ Meeto.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Vaishali Thakur, Advocate for
Mr. Vivek K. Thakur, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for quashing of FIR No.165 dated 20.11.1999 (Annexure P-1) under Sections 302, 34 and 201 IPC registered at P.S. Phillaur, District Jalandhar, the report under Section 173(2) Cr.PC under Sections 304, 34 and 201 IPC (Annexure P-2), summoning order dated 27.11.2001 (Annexure P-3) vide which the petitioner has been summoned under Section 319 Cr.PC and all subsequent proceedings arising therefrom including the order dated 24.03.2023 (Annexure P-10) vide which the petitioner has been declared a proclaimed offender as the co-accused of the petitioner have been acquitted by the Trial Court on 08.04.2005 vide judgment (Annexure P-11).

2. The brief facts of the case are that the instant petition was filed with the aforementioned prayer. On 11.10.2023 the following order was

passed:-

“ The prayer in the present petition under Section 482 Cr.PC is for quashing of FIR No.165 dated 20.11.1999 registered under Sections 302/34 and 201 IPC (Annexure P-1) alongwith challan under Section 304, 34 and 201 IPC at Police Station Phillaur, District Jalandhar as well as the summoning order dated 27.11.2001 (Annexure P-3) vide which the petitioner has been summoned under Section 319 Cr.P.C. and all subsequent proceedings arising therefrom including the order dated 24.03.2023 (Annexure P-10) vide which the petitioner has been declared a proclaimed offender.

The learned counsel for the petitioner contends that initially, FIR No.165 dated 20.11.1999 (Annexure P-1) had been registered at the instance of Jasbir Kaur wife of Sarabjit Singh (deceased and son of the petitioner) with the allegations that the petitioner's husband-Pargan Singh and other son Daljit Singh had murdered Sarabjit Singh son of Pargan Singh. During the course of trial, the petitioner who is the mother of the deceased came to be summoned under Section 319 Cr.P.C. However, while the petitioner went abroad on 03.10.2002 and was declared a proclaimed offender on 24.03.2003 (Annexure P-10), the original accused facing trial, namely, Pargan Singh and Daljit Singh came to be acquitted by the Trial Court vide a judgment dated 08.04.2005 (Annexure P-11). He contends that the petitioner who is of the age of 70 years is ready and willing to come back to face trial in accordance with law.

Notice of motion for 15.12.2023.

Subject to a deposit of Rs. 5 lacs with the Association for Children with Type 1 Diabetes, SCO 24, Sector 23-C, Chandigarh within 04 weeks, the operation of the order dated 24.03.2003 (Annexure P-10) shall remain stayed enabling the petitioner to come back to India and seek the concession of regular bail. In case, the petitioner surrenders before the Trial

Court within 04 weeks from today and seeks the concession of regular bail, she shall be admitted to interim bail to the satisfaction of the Trial Court/Duty Magistrate concerned. She shall also surrender her passport which shall remain in the custody of the Trial Court till the conclusion of the trial.

The learned counsel for the petitioner shall produce the receipt regarding deposit of Rs.5 lacs with the aforesaid Association Institute alongwith a copy of the order of the Trial Court granting interim bail as well as depositing the passport of the petitioner with the Trial Court on the next date of hearing.”

3. When this matter came up for hearing the counsel for the petitioner made a statement that she wished to withdraw this petition.

4. The Counsel for the State on the other hand contends that the petitioner had been playing hide and seek with the Court. She had been declared a proclaimed offender way back in the year 2003 and chose to file this petition only after 20 years. When this Court had shown indulgence to the petitioner that she would be protected if she came back to face proceedings, the aforementioned order had been passed. However, the petitioner wanted to withdraw this petition as she did not wish to return back and face the proceedings in accordance with law and, therefore, the present petition was liable to be dismissed.

5. I have heard Counsel for the parties.

6. A perusal of the facts would reveal that FIR pertains to the year 1999. The petitioner was summoned under Section 319 Cr.PC and thereafter declared a proclaimed offender in 2003. She filed the instant petition in 2023 i.e. after 20 years of the order whereby she had been declared a proclaimed offender. Despite being shown indulgence the

petitioner did not return back to face proceedings in accordance with law and a request was made to withdraw the petition. It is apparent that the idea was to obtain an interim order and keep the matter lingering on thereafter. However, even if the order dated 24.03.2003 (Annexure P-10) declaring the petitioner a proclaimed offender was quashed, the petitioner would not come back to face the Trial as is evident from her conduct. In more or less similar circumstances, this Court in Narinder Pal @ Nandu Vs. State of Punjab & Anr. CRM-M-45553-2022 Decided on 16.03.2023, Iqbal Singh Sumbal Vs. State of Punjab & Ors. CRM-M-24987-2022 Decided on 01.05.2023 & Sukhdev Singh Vs. State of Punjab CRM-M-26156-2021 Decided on 10.08.2023, had declined to grant relief to the petitioners therein.

7. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 15, 2023
Vinay

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