

CRM-M-51160-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51160-2019
Date of decision: 22.08.2023

Simran @ Simranjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikasdeep Singh, Advocate for
Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Challenge in the present petition is to the order dated 14.11.2014 passed by learned Chief Judicial Magistrate, Tarn Taran, vide which the petitioner has been declared a proclaimed offender in case bearing FIR No.219 dated 15.06.2014, registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 324, 307, 326, 302, 148 and 149 IPC.

2. Learned counsel for the petitioner contends that on the basis of a detailed enquiry conducted into the matter, the petitioner was declared innocent on 16.09.2014, and that in pursuance thereof, the police filed application for discharging the petitioner in the above-noted FIR, but the same had been dismissed by the concerned Court. It is further submitted that the petitioner had never attempted to evade the process of law; that in fact, she was not aware of the proclamation proceedings issued against her

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for the reason that she was under the impression that she had been declared innocent by the police, and that after the alleged occurrence, the petitioner has been residing with her parents and she has not received any notice/summons issued by the court concerned. It is further submitted that provisions of Section 82 Cr.P.C. have not been complied with, and that co-accused Manjit Kaur stood arrested on 15.07.2019. It is further submitted that the petitioner is ready to surrender before the concerned court and face the trial.

3. On the other hand, learned State counsel, while opposing the prayer made by the petitioner, submits that though the petitioner was declared innocent at one stage, yet there was no ground to discharge her in the present case keeping in view fact that some of the offences were triable by the Court of Session. It is further submitted that the petitioner managed to remain away from the process of law and, therefore, she has rightly been declared a proclaimed offender.

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

5. Initially, the petitioner was found innocent on 16.09.2014 by the investigating agency. However, application for discharging the petitioner in the present case was dismissed by the concerned Court. The petitioner alongwith co-accused Manjit Kaur was declared a proclaimed offender. As stated above, aforesaid co-accused, Manjit Kaur was arrested on 15.07.2019.

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

7. 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 District Legal Services Authority, Tarn Taran. 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.

22.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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