

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

CRM-M-64653-2023

Date of Decision:-21.12.2023

Anjali @ Riya Sharma.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Amanpreet (A.P.) Singh, Advocate &
Mr. Saransh Sabharwal, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 482 Cr.PC is for the quashing of the order dated 26.07.2017 (Annexure P-2) and order dated 26.02.2019 (Annexure P-3) passed by JMIC, Derabassi in case titled as State Vs. Kuldeep in FIR No.293 of 16.07.2013 under Sections 3, 4 & 5 of Immoral Traffic Act, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

2. The brief facts of the case as emanating from the pleadings are that the petitioner and her co-accused came to be nominated as an accused in the aforementioned FIR.

She was arrested and granted bail. After conclusion of the investigation the report under Section 173(2) Cr.PC was presented before the Court.

3. However, as the petitioner failed to appear before the Trial

Court on 26.07.2017 her bail bonds and surety bonds were cancelled and she was ordered to be summoned through nonailable warrants of arrest. Thereafter as she did not appear in pursuance to the issuance of NBWs a proclamation was issued and finally the petitioner was declared a proclaimed person vide order dated 26.02.2019. The orders dated 26.07.2017 and 26.02.2019 which are attached as Annexure P-2 & P-3 respectively are under challenge in the present petition.

4. The learned counsel for the petitioner contends that after the grant of bail no notice had been issued to her for appearance before the Trial Court. It was only in the month of September 2023 when she met the co-accused she was informed that the Trial had been going on in the aforementioned FIR and she had been declared a proclaimed person. Pursuant thereto she had sought the concession of anticipatory bail before the Sessions Court and thereafter before this Court. However, she had been given liberty to approach this Court by way of an appropriate petition. The absence of the petitioner before the Trial Court was unintentional nor deliberate. As nothing was to be recovered from the petitioner, no custodial interrogation of the petitioner was required. As she was ready and willing to join the proceedings, the impugned orders were liable to be quashed.

5. The Counsel for the State on the other hand contends that the FIR came to be registered on 16.07.2013. Thereafter the petitioner was granted the concession of bail. She was well aware of the fact that there was a case pending against her. Despite the said fact, she deliberately chose not to appear before the Trial Court leading to the passing of the impugned orders. Absolutely no legal submission has been raised by the petitioner as to why the impugned orders were liable to be quashed. Therefore, the present petition was liable to be dismissed.

6. I have heard the learned counsel for the parties.
7. Admittedly, the FIR came to be registered on 16.7.2013 after which the petitioner was granted bail. The report under Section 173(2) Cr.PC was submitted. For the reasons best known to her the petitioner refused to join the proceedings before the Trial Court despite having knowledge of the same. It does not lie in her mouth to state that no notice was issued to her given the fact that she being an accused knew about the proceedings emanating out of the FIR in question. No legal submissions have been made by the petitioner entitling her to the concession as prayed for.
8. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 21, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>