

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1406 of 2024(O&M)
Date of Decision: 11.01.2024

Mohinder Kour Virk
...Petitioner
Versus
State of Punjab & Anr.
...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Manish Kumar Singla, Advocate with
Ms. Sonika, Advocate and
Mr. Parminder Singla, Advocate
For the petitioner.

Mr. G.S. Sidhu, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking quashing of order dated 19.05.2017 (Annexure P-1) whereby the petitioner has been declared as proclaimed offender in criminal case having FIR No.76 dated 14.05.2014 under Section 160 IPC, Police Station Fatehgarh Sahib by the court of Judicial Magistrate Ist Class, Fatehgarh Sahib.
2. Notice of motion.
3. Mr. G.S. Sidhu, AAG Punjab accepts notice on behalf of the State.
4. The counsel for the petitioner submits that petitioner is aged about 75 years and during the pendency of the aforesaid proceedings she had to go to Canada for her medical treatment and she is coming back to India in next two weeks and the present petition is also filed by the petitioner through her attorney. It is further submitted that proper procedure was not followed by the trial Court while passing the impugned order (Annexure P-1). Even

otherwise, the other accused who faced trial were convicted and fine of Rs.100/- was imposed on them and in default of payment of fine to undergo simple imprisonment for 15 days by the learned trial Court vide order dated 03.10.2017 (Annexure P-2). The counsel for the petitioner further submits that the offence in question is a bailable offence and the petitioner is ready to join the proceedings before the trial Court even subject to payment of costs. So, prayer is made that the impugned order be set aside.

5. The present petition is resisted by the State counsel who submits that there is no illegality or perversity in the impugned order.

6. I have considered the submissions made by counsel for the parties.

7. It appears that at the relevant time, the petitioner was not available in India and no notice was sent to the petitioner through the concerned Embassy and thus proper procedure was not followed by the court concerned while passing the impugned order (Annexure P-1). Further, the offence under Section 160 IPC is a bailable offence and from the perusal of Annexure P-2 it appears that the other accused who faced trial were convicted and fine of Rs.100/- was imposed on them under Section 160 IPC. Further, as per counsel for petitioner, the petitioner who is a senior citizen is ready to join the proceedings before the trial Court.

8. In the light of the above, without commenting on the merits of the case, present petition is allowed and impugned order is set aside subject to costs of Rs.1000/- to be paid by the petitioner with District Legal Service Authority concerned within next two weeks.

(KARAMJIT SINGH)
JUDGE

11.01.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No