

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Criminal Misc. No. M-9763-2024**Date of decision :-27.02.2024****Paramjit Kaur Dhaliwal****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ruhani Chadha, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for quashing of impugned order dated 28.2.2023 (Annexure P-6) passed by the Judicial Magistrate 1st Class-I, Kapurthala, whereby the petitioner, who is 83 years old lady, was declared as proclaimed person in the trial, arising out of FIR No.12 dated 28.02.2012 (Annexure P-1), under Sections 447, 511, 149, 323 and 354 IPC, registered at Police Station Dhilwan, District Kapurthala.

Learned counsel for the petitioner *inter alia* submits that the FIR in question (Annexure P-1) was registered on the basis of the statement of the complainant. It is submitted that during the pendency of the trial, the petitioner was constrained to go abroad for the cancer treatment of her husband, who was also arrayed as accused in the FIR in question. It is submitted that during the pendency of the trial, petitioner's husband expired on 09.8.2023 as is evident from his Death Certificate dated 09.8.2023 (Annexure P-7). Thereafter, the petitioner returned to India about ten days

back. However, in the meantime, the petitioner was declared proclaimed person vide order dated 28.2.2023 (Annexure P-6). Learned counsel submits that the other co-accused in the FIR in question have been acquitted by the learned trial Court vide order dated 16.7.2022 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Kapurthala; and even the appeal filed by the complainant against the said order of acquittal has been dismissed by the learned Additional Sessions Judge, Kapurthala vide order dated 01.2.2023 (Annexure P-8).

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and does not dispute the abovesaid facts.

In view of the abovesaid position, the present petition is **allowed**, the impugned order dated 28.2.2023 (Annexure P-6) is hereby set aside and the petitioner-Paramjit Kaur Dhaliwal w/o late Joginder Singh, who is 83 years old lady, is directed to surrender before the trial Court within 15 days from the date of issuance of certified copy of this order and furnish requisite bail bonds and surety bonds before the learned trial Court/Duty Magistrate concerned. The learned trial Court/Duty Magistrate concerned is directed that in case the petitioner surrenders and furnishes requisite bail bonds/surety bonds as per satisfaction of the Court concerned, the petitioner be acquitted on bail on the same day.

February 27, 2024
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No