

S. No.117

2024:PHHC:058697

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.18086 of 2024 in/and
CRM-M-13264 of 2024
Date of Decision:30.04.2024
.....Petitioner

Gurjit Kaur

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Inderjit Singh Chawla, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

CRM No.18086 of 2024

This is an application moved by the petitioner so as to place on record copies of the zimni orders from the date of summoning i.e. 26.04.2022 till he was declared Proclaimed Person on 24.04.2023 as Annexure P.4 (colly) besides the Proclamation Notice as Annexure P.5.

Application is allowed. Annexures P.4 (colly) and P.5 are taken on record.

CRM-M-13264 of 2024

By way of this petition filed under Section 482 Cr.P.C., petitioner prays to quash FIR No.0076 dated 30.12.2023 registered under Section 174-A IPC at Police Station Amir Khas, District Fazilka, and all the consequential proceedings.

It is contended by learned counsel that the petitioner was declared Prolcaimed Person during the proceedings of a Criminal Complaint bearing NACT No.91 of 2022 titled "Vijay Kumar Vs. Gurjit Kaur: under Section 138 of the NI Act and that that complaint has since been dismissed as withdrawn as a result of compromise vide order dated 23.02.2024 and, therefore, continuation of

the present proceedings under Section 174-A IPC will be gross misuse of the process of law.

Notice of motion to respondent No.1 only.

Mr. G.P.S. Bhullar, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel has opposed the bail petition by pointing out towards the orders passed by the trial Court, which indicate that the petitioner was fully aware about the proceedings. It is revealed that summoning order against the accused-petitioner was passed by the trial Court on 26.04.2022 to face prosecution under Section 138 of the NI Act. As per order dated 01.12.2022, summons were received back duly served through the husband of the petitioner-accused i.e. Ranjot Singh. Despite the said service, petitioner failed to appear in the Court. Bailable warrants were issued which were received back on 03.01.2023 with the report of avoiding and so warrants of arrest were issued. As the said warrants of arrests failed to procure the presence of the petitioner, proclamation was issued vide order dated 09.03.2023 for 24.04.2023. The said proclamation was effected on 15.03.2023 as per the statement of the Serving Constable (Annexure P.5). As the petitioner failed to turn up on the date fixed before the Court i.e. 24.04.2023 so he was declared Proclaimed Offender. This Court does not find any illegality in the impugned order.

Dismissed.

April 30, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No