

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11825-2020

Date of Decision : May 13, 2024

Mohinder Kaur

.....Petitioner

Vs.

Shinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None.

JASJIT SINGH BEDI, J. (Oral)

On 20.03.2020, the following order was passed :-

“Learned counsel for the petitioner states that the petitioner has been declared as proclaimed person in terms of order dated 29.04.2019. He further contends that the petitioner is actually residing in House No. 276, Darshan Avenue, Link Road, Sultanwind Road, Amritsar and the same has been reflected in Adhar Card, copy whereof is Annexure P-2. However, in the complaint, a different address of the petitioner has been mentioned.

Notice of motion, returnable on 23.07.2020.

In the meanwhile, it is directed that the petitioner shall surrender before the learned trial Court/Duty Magistrate within a period of 15 days and on her doing so, she shall be admitted on interim bail to the satisfaction of that Court and on her doing so, the order dated 29.04.2019 shall remain in abeyance.”

Thereafter, on 22.2.2023, the following order was passed :-

“None has appeared on behalf of the petitioner.

As per the office note, the process fee had not been furnished and as such, notice could not be issued.

Notice be issued to the respondent, in case the needful is done within two weeks, for 12.07.2023.

Interim order to continue”

Thereafter, on 12.07.2023, the following order was passed :-

“Prayer in this petition is to quash the order dated 29.04.2019 (Annexure P-4) passed by the learned Judicial Magistrate, 1st Class, Amritsar, vide which the petitioner was declared as proclaimed person in complaint case No.NACT-8085-2017 dated 30/31.10.2017 titled as Shinder Singh vs Mohinder Kaur.

It has been pointed out by the learned counsel for the respondent that, though, vide order dated 20.03.2020 passed by a Coordinate Bench of this Court, the petitioner had been directed to surrender before the trial Court/Duty Magistrate, within a period of 15 days and on her doing so, the trial Court/Duty Magistrate was directed to admit her on interim bail, yet the petitioner has not surrendered before the Court below. He, thus, prays that the interim protection granted to the petitioner be recalled and the present petition may be dismissed.

Upon this, learned counsel for the petitioner submits that the petitioner is a super senior citizen, aged about 80 years and thus, could not appear before the Court below. He prays that one more opportunity be granted to the petitioner to surrender before the Court below.

In view of the above, the petitioner is again directed to appear before the learned trial Court/Duty Magistrate within 15 days from today and on her doing so, the trial Court/Duty Magistrate is directed to admit her on interim bail, on her furnishing bail/surety bonds to its satisfaction.

List on 01.08.2023.

In the mean time, the operation of the impugned order dated 29.04.2019 (Annexure P-4) shall be kept in abeyance.

However, it is made clear that if the petitioner fails to comply with the order passed today, the present petition shall stand automatically dismissed.”

Thereafter, the matter was adjourned to time and again but none has put in appearance on behalf of the petitioner.

In view of the above, the present petition is dismissed for want of prosecution.

However, the petitioner is at liberty to file an application for revival of the petition in case any cause of action still subsists.

May 13, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO