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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15457-2024

Date of decision: 01.04.2024

Radhika Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. L.M. Gulati, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by petitioner seeking quashing of order dated 02.12.2023 Annexure P-5 passed by the Court of Judicial Magistrate, Ist Class Amritsar whereby the petitioner has been declared as proclaimed person in a case having FIR No.55 dated 12.05.2018 under Sections 447, 448, 511, 379, 380, 506, 149 of IPC, registered at Police Station B Division, Amritsar.
2. The counsel for the petitioner submits that the petitioner who is a lady was granted concession of anticipatory bail by this Court vide order dated 04.03.2021 Annexure P-4. That the petitioner was later on declared proclaimed person without following the proper procedure as per mandate of Section 82 Cr.P.C, vide order dated 02.12.2023 Annexure P-5. The counsel for the petitioner further submits that the petitioner is ready to

surrender before the Court concerned to face trial.

3. Notice of motion.
4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that there is no illegality or perversity in the impugned order Annexure P-5 which was passed by the trial Court in accordance with law.
5. I have considered the submissions made by counsel for the parties.
6. The counsel for the petitioner failed to bring to the notice of this Court any illegality in the impugned order. However, the counsel for the petitioner has submitted that the petitioner is ready to surrender before the learned trial Court within a period of 10 days. The object behind the initiation of proceedings under Section 82 Cr.P.C., is to procure the presence of the accused before the trial Court.
7. In light of the above, without expressing any opinion on the merits of the case, the present petition is hereby dismissed with direction to the petitioner to surrender before the trial Court within next 7 days and to move an application for grant of regular bail which is to be decided by the said Court on the same very day, in accordance with law, subject to costs of Rs.10,000/- which is to be deposited by the petitioner with District Legal Services Authority concerned.

01.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No