

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21590 of 2024 (O&M)
Date of Decision: 03.05.2024

Amrit Kaur Dhaliwal
...Petitioner
Versus
State of Punjab
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sanjeev Kumar Arora, Advocate
For the petitioner.

Mr. Inderjeet Singh Ladher, DAG Punjab.

KARAMJIT SINGH, J.

1. Present petition has been filed by the petitioner seeking quashing of order dated 14.08.2013 (Annexure P-7) passed by the Court of Sub Divisional Judicial Magistrate Jagraon vide which the petitioner was declared as proclaimed offender in a criminal case having FIR No. 14 dated 25.01.2013 registered under Section 420 IPC in Police Station City Jagraon (Annexure P-1) and all the consequential proceedings arising therefrom.
2. The counsel for the petitioner submits that at the relevant time petitioner was not available in India and was residing in Canada as is evident from Annexure P-6 i.e. report submitted by the Serving Head Constable dated 16.06.2013. The counsel for the petitioner further submits that no valid personal service of the petitioner was effected through Embassy of India located in Canada and thus the petitioner was not aware of pendency of the aforesaid criminal case. It is further submitted that as no proper procedure was followed by the learned trial Court while passing impugned order (Annexure P-7), the same is not sustainable and deserves to be set aside.

3. Notice of motion.

4. Mr. Inderjeet Singh Ladher, DAG Punjab accepts notice and has not disputed the report of Serving Head Constable (Annexure P-6) dated 16.06.2013 wherein it was specifically recorded that the petitioner at that time was residing in Canada.

5. In light of the above coupled with Annexure P-6, it is evident that at the relevant time the petitioner was residing in Canada. Even now the petitioner is resident of Canada. There is nothing on record to show that the learned trial Court ever made any effort to affect personal service of the petitioner in Canada through the Embassy of India located in that country. Thus, making it clear that the impugned order was not passed in consonance with the mandate of Section 82 Cr.P.C. and thus deserves to be set aside. However, the said order was passed more than 10 years back and as such petitioner deserves to be burdened with certain reasonable cost.

6. Without expressing any opinion on the merits of the case and impugned order dated 14.08.2013 (Annexure P-7) is hereby quashed. The petitioner is directed to appear before the learned trial Court within next six weeks from today. The present order is subject to costs of Rs.10,000/- to be deposited by the petitioner in Poor Patients Fund, PGIMER, Chandigarh.

03.05.2024

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(KARAMJIT SINGH)
JUDGE

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