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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-25844-2023 (O&M)  
DATE OF DECISION : 10.05.2024

GURDIP RAM

... PETITIONER

V/S

PARVEEN KUMARI

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

\* \* \*

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in complaint case No.COMI/232/2016 dated 07.06.2016 titled Parveen Kumari vs. Gurdip Ram & others, under Sections 406, 498-A, 307 IPC.

2. On 22.05.2023 by passing the following order, the petitioner was directed to appear before the trial Court/Duty Magistrate and was ordered to be released on interim bail:-

*“xxxx 2. Learned counsel for the petitioner contends that the trial Court has wrongly rejected the pre-arrest bail on the ground that the petitioner was declared a proclaimed person on 06.04.2019. As a matter of fact, he was not in India at the time of passing of the order declaring him a proclaimed person. He left the country in 2015 and came back only on 07.04.2023, and was taken in custody. He was granted regular bail by the trial Court*

*vide order dated 15.04.2023 in FIR registered under Section 174-A IPC. Besides, the order declaring him a proclaimed person as well as the FIR lodged against him on that basis have been challenged by filing a quashing petition, CRM-M-24707 of 2023, wherein notice of motion has been issued to the respondents. Therefore, the trial Court order declining pre-arrest bail only on the ground that the petitioner was declared a proclaimed offender, and has not surrendered, is based on wrong facts and not sustainable. It is further submitted that allegations against the petitioner are vague and general in nature, and do not constitute the offences alleged. There is no material on record to even prima facie establish the offence under Section 307 IPC.*

*3. Notice of motion for 09.10.2023.*

*4. The petitioner is directed to appear before the trial Court/Duty Magistrate, within seven days from today, whereupon he shall be released on interim bail to the satisfaction of the trial Court/Duty Magistrate.”*

3. On the next date of hearing i.e. 09.10.2023 none had appeared on behalf of the petitioner. On 15.01.2024, counsel for the petitioner withdrew his power of attorney and notice was ordered to be issued to the petitioner. On 10.04.2024, none had put appearance on behalf of the petitioner and notice was again ordered to be issued to the petitioner.

4. As per the report of the Registry, notice issued to the petitioner was received back unserved with the report that he is residing abroad.

5. It has been noticed in the order dated 22.05.2023 that the petitioner was declared as proclaimed person as per the order dated

06.04.2019.

6. Keeping in view the aforesaid facts and circumstances of the case, I am of the considered opinion that the petitioner has misused the process of law. Initially, he was declared proclaimed person as per order dated 06.04.2019 (Annexure P-4) passed by learned Judicial Magistrate First Class, Jalandhar. Thereafter, he filed the present petition for grant of anticipatory bail wherein interim order dated 22.05.2023 was passed issuing him direction to appear before the trial Court. He again went abroad and there is nothing on record that he had taken any permission from the trial Court.

7. As such, the present petition stands dismissed and the interim order dated 22.05.2023 passed by this Court stands vacated. Copy of the order be sent to Chief Judicial Magistrate, Jalandhar to take appropriate action against the petitioner since he was earlier ordered to be declared as proclaimed person.

8. State would also initiate proceedings against the petitioner under Section 134-A Cr.P.C.

9. Compliance report of this order be sent to the Registry of this Court through the Registrar General.

**10.05.2024**

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**(HARPREET KAUR JEEWAN)  
JUDGE**

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