



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29611-2024

Date of Decision : **11.06.2024**

JYOTI

.....Petitioner

VERSUS

RAKESH KUMAR AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr.Pardeep Bajaj, DAG, Punjab
for respondent no.1.

KULDEEP TIWARI, J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 19.10.2023 (Annexure P-4), whereby the petitioner has been declared proclaimed offender by the learned Judicial Magistrate Ist Class, Amritsar, in Criminal compalint bearing No.NACT/2869/2021, dated 09.08.2021, filed under Section 138 of the Negotiable Instruments Act, 1881.

2. At the very outset, learned counsel for the petitioner submits that the petitioner could not appear before the learned trial Court concerned, on account of the fact that she was under belief that the matter has been compromised with respondent no.1/complainant.

3. He further submits that the petitioner has no intention to run away from the clutches of law, rather she is ready and willing to face the

trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to her.

4. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality or illegality of the impugned order, whereby, the petitioner was declared a proclaimed offender, this Court directs the petitioner to surrender before the learned trial Court concerned within one month from today, and thereupon, make an application for grant of regular bail before that Court.

5. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and moves a regular bail application, the same shall be decided on the same day, in accordance with law, after hearing to the parties concerned.

6. In the meanwhile, the arrest of the petitioner shall remain stayed.

7. However, in case, the petitioner fails to appear before the learned trial Court concerned within one month from today, the protection granted hereinabove, *qua* her arrest shall *ipso facto* vacated, without further reference to this Court.

8. **Disposed of** accordingly.

June 11, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No