

2024:PHHC:080960



CRM-M-30831-2024
Date of Decision:01.07.2024

Versus

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Mr. Kunwarbir Singh, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

By way of the present petition, the petitioner is seeking quashing of orders dated 02.12.2023 and 05.02.2024 (Annexures P-5 and P-7 respectively) passed by learned Judicial Magistrate 1st Class, Rupnagar in case FIR No. 281 dated 30.10.2020 registered under Sections 406, 498-A IPC at Police Station City Rupnagar, District Rupnagar (Annexure P-1) whereby the bail order of the petitioner has been cancelled and warrant of arrest has been issued and now the learned trial Court has initiated the proclamation proceedings under Section 82 Cr.P.C. against him.

Learned counsel for the petitioner *inter alia* submits that the present FIR emanates from the matrimonial dispute between the parties. The petitioner was married to the complainant on 04.12.2017. Due to temperamental differences, they started living separately and the present FIR came to be registered on 30.10.2020 (Annexure P-1). It is submitted

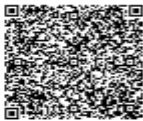


that the petitioner has been facing trial in the present FIR for the last 4 years. The petitioner is undergoing depression as his entire family members including his married sister have been embroiled in the present case by the complainant on false and fabricated allegations. Learned counsel for the petitioner further submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful. It was only due to certain unavoidable circumstances that the petitioner was unable to appear. Moreover, provision of Section 82 Cr.P.C. has not been complied with in issuing the impugned order of proclamation dated 05.02.2024 (Annexure P-7). It is further prayed that the petitioner be permitted to surrender before the learned trial Court as and when directed to do so.

Learned counsel for respondent-State does not dispute the aforesaid submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

In view of the submissions made by learned counsel for the petitioner, the proclamation order dated 05.02.2024 (Annexure P-7) is set aside. The petitioner is directed to surrender before the learned trial Court within a period of 15 days from today i.e. on or before **15.07.2024** and he shall move an appropriate application seeking bail before the learned trial Court. On doing so, he shall be released on bail subject to his furnishing necessary bail/surety bonds to the satisfaction of learned trial Court and subject to payment of costs of **Rs.15,000/-** to be deposited by the petitioner with in a period of one week from today with the Punjab and Haryana High Court Lawyers' Welfare Association Fund,



Chandigarh.

The present petition stands disposed of accordingly.

01.07.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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