

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

234

CRM-M-37762-2024 (O&M)

Date of Decision:- 30.08.2024

NEELAM RANI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. B.K. Kaundal, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Arjun Kundra, Advocate for

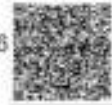
Mr. Naveen Kumar, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 528 of BNSS, 2023 the petitioner has sought quashing of impugned order dated 15.06.2021 (Annexure P-3) passed by the Court of learned Sub Divisional Judicial Magistrate, Phillaur, whereby the petitioner was declared as proclaimed offender in case FIR No.273 dated 30.07.2019 registered under Sections 406 and 420 IPC at Police Station Phillaur, District Jalandhar.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 07.08.2024 passed by this Court, the petitioner has appeared in the Court and furnished her requisite bail bonds. He has placed on record copy of the order dated 14.08.2024 passed by learned Sub Divisional Judicial Magistrate, Phillaur, whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.



4. Learned counsel appearing on behalf of the complainant has opposed the petition but has not disputed the fact that the petitioner has put in appearance before the Illaqa Magistrate on 14.08.2024 in compliance to the order dated 07.08.2024.

5. Heard.

6. During the course of proceedings on 07.08.2024, the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner had been falsely implicated in this case. He contends that even the petitioner was not in India when the FIR (supra) was registered by the police and thereafter the petitioner never received any summons nor any process to appear as she had been residing abroad and has placed on record copy of her passport (Annexure P-4), showing the petitioner having departed from India on 20.07.2018 in addition to her reservation tickets showing her to arrive back on 14.06.2024. He further contends that the impugned order dated 15.06.2021 (Annexure P-3) declaring the petitioner as proclaimed offender in this case had been passed by the learned Trial Court without following the due procedure laid down under Section 82 of the Cr.PC and later a compromise was effected on 17.07.2024 with the complainant party vide Annexure P-5.

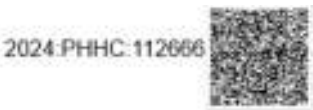
4. Learned counsel for the petitioner contends that the petitioner is ready to appear and face the trial. Hence, prays for concession of bail to the petitioner.

5. Notice of motion, returnable for 30.08.2024.

6. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case.

7. Mr. Naveen Kumar, Advocate has put in appearance on behalf of the complainant and has admitted the factum of aforesaid compromise (Annexure P-5) effected between the parties.

8. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the petitioner is directed to appear before the learned Trial Court/Duty Magistrate concerned within a



period of 10 days from today and in that event, she is ordered to be released on interim bail on her furnishing the requisite bail/surety bonds to the satisfaction of the Trial Court.

9. The petitioner shall also furnish a specific undertaking before the learned Trial Court that, in future, she would be regularly appearing before the concerned Court on each and every date and in case of some exigency, she will seek prior permission of the concerned Court qua her exemption to appear on the date fixed.”

7. Keeping in view the fact that the petitioner has already appeared in the Court and furnished her requisite bail/surety bonds consequent to the order dated 07.08.2024 passed by this Court, the present petition is allowed. The order dated 15.06.2021 (Annexure P-3) passed by the Court of learned Sub Divisional Judicial Magistrate, Phillaur is set aside and the interim bail granted vide order dated 07.08.2024 is hereby confirmed.
8. The petition stands allowed.
9. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

30.08.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No