

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

CRM-M-41997-2024

Date of Decision:-30.08.2024

Paramvir Kaur.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Dhawan, Advocate for the Petitioner.

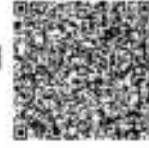
JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) is for quashing of the order dated 27.03.2009 passed by SDJM, Nakodar, District Jalandhar (Annexure P-9) whereby the petitioner has been declared proclaimed offender in FIR No.203 dated 16.06.2006 under Sections 467, 468, 471, 120-B IPC registered at Police Station Nakodar, District Jalandhar.

2. The brief facts of the case are that the aforementioned FIR was registered with the allegations that by submitting false affidavits/documents and my misleading the government officials, the petitioner and her father had obtained an incorrect birth certificate.

3. The petitioner sought the concession of anticipatory bail and was granted the same. However, she went to Italy on 01.12.2006.

4. The report under Section 173(2) Cr.PC was submitted against her. As the petitioner did not appear to face trial she was declared



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proclaimed offender vide order dated 27.03.2009. The copy of the said order is attached as Annexure P-9 to the petition.

5. Baldev Singh, father of the petitioner faced trial and was acquitted vide judgment dated 03.07.2014. The copy of the said judgment is attached as Annexure P-11 to the petition.

6. The petitioner filed a petition seeking quashing of the aforementioned order i.e. 27.03.2009 whereby she had been declared proclaimed offender by way of CRM-M-5234-2015 titled as Paramvir Kaur Vs. State of Punjab. This Court dismissed the said petition vide order dated 28.09.2016. The copy of the said order is reproduced hereinbelow:-

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

*CRM-M-5234 of 2015 (O&M)
Date of decision : 28.09.2016*

Paramvir Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

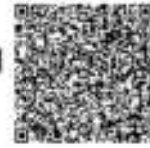
CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Kang, Advocate for the petitioner.

*Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Inder Singh.*

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.203 dated 16.06.2006, registered under Sections 467, 468, 471 and 120-B of the Indian Penal Code (for short 'the IPC'), at Police Station Nakodar; order dated 27.03.2009, vide which the petitioner was declared proclaimed offender; and all consequential proceedings



arising therefrom.

*The learned counsel for the petitioner submits that similarly situated co-accused, i.e. father of the petitioner, stands acquitted by the trial Court and the revision filed there against also stands rejected. The judgment in revision has not been assailed so far. He cites '**Topandas Vs. State of Bombay**', 1956 AIR (SC) 33, '**Jasvinder Singh Vs. State of Punjab and another**', 2013(1) RCR (Criminal) 310 and '**Bhupinder Singh and others Vs. Jalandhar Development Authority and another**', passed in CRM-M-9857-2014.*

On the other hand, the learned State counsel states that the petitioner was earlier granted bail, however, during the pendency of the trial, the petitioner went abroad and subsequently, she was declared proclaimed offender vide order dated 27.03.2009. He further states that the challan has been filed.

Heard.

The petitioner is a proclaimed offender, has filed the present petition in absentia, the veracity of the document on the basis of which the present petition has been filed, remains questionable. Keeping in view the fact that the petitioner has misused the concession of bail earlier granted to her, without going into the merits of the decided cases, this Court is not inclined to entertain the present petition.

Accordingly, the instant petition is dismissed.

28.09.2016
ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No”

7. Thereafter the instant petition stood preferred seeking quashing of the same order i.e. 27.03.2009 (Annexure P-9).

8. The counsel for the petitioner contends that the procedure under Section 82 Cr.PC was not complied with while declaring the petitioner a proclaimed offender. As she was ready and willing to come back to face



trial the impugned order was liable to be set aside.

9. I have heard counsel for the petitioner and examined the record carefully.

10. Apparently, the petitioner had been granted the concession of anticipatory bail and thereafter went to Italy on 01.12.2006. She was aware of the proceedings emanating out of the FIR also on account of the fact that her father faced the Trial and was acquitted. She had filed her first petition seeking quashing of the order dated 27.03.2009 (Annnexure P-9) which came to be dismissed vide a detailed order. There is absolutely no change in circumstances entitling the petitioner to the relief as prayed for.

11. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 30, 2024
Vinay

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