



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52452-2023 (O&amp;M)

Reserved on: 02.05.2024

Date of Decision:- 21.05.2024

**BALJEET KAUR**

.....PETITIONER

Vs.

**STATE OF PUNJAB AND OTHERS**

...RESPONDENTS

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****(As on the reserved date)**

Present: Mr. K.R. Dhawan, Advocate,  
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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**HARPREET KAUR JEEWAN, J.**

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No. 1 to 4 to take immediate action, in accordance with law, against respondent No. 5. Prayer has also been made for issuance of direction to official respondents to arrest respondent No. 5, who has been declared as a Proclaimed Offender, vide order dated 12.07.2017 (Annexure P-2) passed by the learned Sub-Divisional Judicial Magistrate, Zira, District Ferozepur, in a Criminal Complaint No. RBT-68/1/4/2014, titled **Baljeet Kaur** vs. **Ranbir Singh and others**, under Sections 406, 494, 495 and 498-A of the IPC, read with Section 120-B thereof, which subsequently culminated in passing the judgment dated 14.08.2023 (Annexure P-3).



2. Learned counsel for the petitioner *inter alia* contends that the marriage of the petitioner was solemnized with Ranbir Singh. It was a matrimonial dispute, as such, the petitioner was turned out of her matrimonial house along with her minor son and she filed a complaint before the Senior Superintendent of Police, Ferozepur, upon which an FIR No. 32, dated 24.03.2014, was registered. However, the said FIR was registered only against the husband of the petitioner and police did not properly investigate the matter as the father-in-law of the petitioner was an Assistant Sub-Inspector in the police. Thereafter, on 24.02.2014, the brother of the petitioner found that the marriage of Ranbir Singh (husband of the petitioner) was again being performed with respondent No. 5 Harjit Kaur. As such, the petitioner filed a criminal complaint against her husband and against respondent No. 5, as well as against those persons who were present at the time of marriage. During the trial, Ranbir Singh was convicted, however, respondent No. 5 did not appear despite service, as such, she was declared as a Proclaimed Offender, vide order dated 12.07.2017 passed by the Judicial Magistrate First Class, Zira (Annexure P-2). Despite the fact that the husband of the petitioner has been convicted and sentenced, vide judgment dated 14.08.2023 (Annexure P-3); and that the husband of the petitioner got married with respondent No. 5 and they are living together, the police has not arrested respondent No. 5 and she has never been put to trial.

3. A reply, dated 28.11.2023, by way of an affidavit of Sh. Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Zira, District Ferozepur, has already been filed by learned State counsel.



3.1 Another status report, dated 02.05.2024 by way of an affidavit of Sh. Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Zira, District Ferozepur, is also in the case file.

4. Learned counsel for the State while referring the aforesaid status report contends that respondent No. 5 was declared as a Proclaimed Offender during the pendency of the complaint filed by the petitioner. This fact has been confirmed because Ranbir Singh was convicted and remaining accused was discharged by the learned trial Court.

4.1 It has been further submitted that despite various raids having been made by the PO Staff, Ferozepur, respondent No. 5 could not be arrested as she was not found present at her house and other places.

4.2. It has also been contended that vide order dated 12.07.2017, (Annexure P-2), the trial Court has declared respondent No. 5 as a Proclaimed Offender. However, the trial Court has not issued any direction or order to register a case under the provisions of Section 174-A IPC against accused Harjit Kaur.

5. I have considered the aforesaid submissions.

6. While declaring respondent No. 5-Harjit Kaur as Proclaimed Offender, vide order dated 12.07.2017 (Annexure P-2), by the Judicial Magistrate Ist Class, Zira, no order has been passed for initiating proceedings under Section 174-A IPC. The said section reads as under:-

*“~~174A~~ .Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.— Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with*



*imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.]”*

7. In view of the facts and circumstances of this case, the present petition is disposed of with a direction to the official respondents to approach the Area Magistrate for initiating proceedings under Section 174-A of the IPC within a period of 15 days after receiving the certified copy of this order and thereafter, the Area Magistrate shall consider the said application and pass appropriate orders as per law.

8. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET KAUR JEEWAN)  
JUDGE

May 21, 2024  
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| Whether Speaking   | Yes |
| Whether Reportable | No  |