

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53218-2023
Date of decision: 24.04.2024

VEERPAL KAUR @ VIRPAL KAURPetitioners

Versus

STATE OF PUNJAB AND ANOTHERRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Amarpreet Singh, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been preferred by the petitioner seeking quashing of the impugned order dated 03.10.2022 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Bathinda, whereby the petitioner has been declared as proclaimed person in the complaint case bearing No.COMA/2439/2020 dated 21.10.2020 titled as '*Gurmeet Singh Sidhu Versus Veerpal Kaur*' (Annexure P-7).

2. Learned counsel for the petitioner submits that in compliance to the order passed by this Court on 14.11.2023, the petitioner has appeared in the trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 21.11.2023 passed by learned Judicial Magistrate Ist Class, Bathinda. A copy of Receipt of costs of Rs. 5,000/- has been placed on record in compliance of the order dated 14.11.2023.

3. This aspect is not disputed by learned State counsel.

4. During the course of hearing on 14.11.2023, following order

was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that after having been summoned in the aforesaid complaint, the petitioner appeared and furnished the bail bonds before the learned Magistrate, however, due to the pandemic Covid-19, she had not appeared in the Court and later when the Courts started functioning, she did not receive any notice to appear in the Court and even she was not aware of the aforesaid proclamation and has been declared Proclaimed Person in the case. He submits that the petitioner is ready to appear in the Court and seeks protection.

3. Notice of motion.

4. On the asking of the Court, Mr. Anmol Singh Sandhu, AAG Punjab accepts notice on behalf of respondent-State.

5. Let notice to respondent No.2 be issued for 06.12.2023.

6. Dasti as well.

7. In the meanwhile, on the petitioner depositing Rs.5,000/- as costs with the Poor Patients Welfare Fund, PGIMER, Chandigarh and appearing before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today, she is ordered to be admitted on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future she will appear on each and every date of hearing without fail and only in case of extreme exigency she will seek exemption from the Court in accordance with law. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C ”

5. 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 14.11.2023, passed by this Court, the present

petition is allowed. The order dated 03.10.2022, passed by learned Judicial Magistrate Ist Class, Bathinda, is set aside and the interim bail granted vide order dated 14.11.2023 is hereby confirmed.

7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

24.04.2024
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- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No