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231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53832-2024 (O&M)

Date Of Decision: 10.12.2024

PARAMJIT KAUR @ PARAMJIT NAHAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Siddharth Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 05.01.2019 vide which the petitioner has been declared as proclaimed person in FIR No.2 dated 15.02.2014 under Sections 406/498-A/506 of IPC, P.S. NRI Ludhiana.

2. On 28.10.2024, the following order was passed:-

“The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of order dated 05.01.2019 vide which the petitioner has been declared as proclaimed person in FIR No.2 dated 15.02.2014 under Sections 406/498-A/506 of IPC, P.S. NRI Ludhiana.

Learned counsel for the petitioner inter alia contends that the petitioner went to England UK and a matrimonial dispute took place between brother of the petitioner and his wife and the petitioner has been falsely implicated in the FIR(supra) by her sister-in-law as she has nothing to do with the marital discord with her brother and his wife. FIR in question was registered against the petitioner while she was residing in England. He further submits that without following the drill of



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*Section 82 Cr.P.C., the petitioner has been declared as proclaimed person. Further, no effort has been made to serve the petitioner by way of substitute service through the concerned embassy and the petitioner has not visited India since the registration of FIR. It is further submitted that the co-accused, after suffering the trial, has been acquitted. He relies upon the judgment of this Court passed in '**Major Singh @ Major Vs. State of Punjab**' 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506.*

Notice of motion for 10.12.2024.

In the meantime, operation of the impugned order dated 05.01.2019 shall remain stayed and the petitioner is directed to surrender before the learned trial Court within a period of 06 weeks from today and on her doing so, she shall be admitted to interim bail on her furnishing bail bonds and surety bonds to the satisfaction of the trial Court subject to payment of costs of Rs. 10,000/- to be deposited with the PGIMER Poor Patient Welfare Fund, Chandigarh, for wasting precious time of the Court."

3. Learned counsel for the petitioner submits that in compliance of aforementioned order, the petitioner has already put in appearance before the learned trial Court and furnished her bail bonds to the satisfaction of the learned Judicial Magistrate 1st Class, Ludhiana and further undertakes to attend the trial on each and every date.

4. Learned State counsel appears and affirms the fact that petitioner has surrendered before the learned trial Court and furnished her bail bonds to its satisfaction.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

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6. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

7. In view of the aforesaid facts and circumstances, the present petition is allowed and the impugned order dated 05.01.2019 passed by learned Chief Judicial Magistrate, Ludhiana vide which the petitioner was declared as proclaimed person, is hereby set aside.

(HARPREET SINGH BRAR)
JUDGE

10.12.2024*Ajay Goswami*

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