



CRM-M-54671-2024

1

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

122

CRM-M-54671-2024

Date of Decision : November 05, 2024

DIVYA THAKUR**-PETITIONER****V/S****RANJODH SINGH AND ANR****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. J.S. Lalli, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. The relief claimed in the instant petition cast under Section 528 of the B.N.S.S., appertains to quashing of the order dated 26.02.2024 (Annexure P-13), whereby, the learned Magistrate concerned has declared the petitioner a “Proclaimed Person”.

2. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the impugned order (Annexure P-13), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does not have any intention to escape from the clutches of law and she is ready and willing to join the trial proceedings, in case she is granted adequate protection.

3. Although this Court does not find any illegality or perversity in the impugned order (Annexure P-13), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind declaring any person a “Proclaimed Person/Offender”, which is in fact to secure the presence of an accused for



CRM-M-54671-2024

2

facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court/Magistrate concerned within 15 days from today. In case, the petitioner appears within the above stipulated period and makes an application for grant of bail, the learned Judge concerned shall make an endeavour to decide the said bail application within 02 days, but, after giving opportunity of hearing to the opposite party. The operation of the impugned order (Annexure P-13) shall remain stayed for the next 15 days.

4. However, in case, the petitioner fails to appear before the learned trial Court/Magistrate concerned within the above stipulated period, the relief granted hereinabove shall stand *ipso facto* vacated, without any further reference to this Court.

5. It is clarified that the moment the petitioner appears before the learned trial Court/Magistrate concerned, this order would cease to operate.

6. It is also clarified that this order does not cause any impediment for the learned trial Court concerned to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.

7. Disposed of accordingly.

November 05, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No