



121

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

**CRM-M No.60651 of 2024
Date of decision : 05.12.2024**

Jaspreet Kaur

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Bhatheja, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of FIR No.54, dated 20.05.2019, under Sections 306, 420, 120-B of IPC, 1860, registered at Police Station Badhni Kalan, District Moga (Annexure P-1) along with all consequential proceedings arising therefrom being illegal and abuse of process of law. Further prayer has been made for quashing of impugned order dated 02.12.2022 passed by the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga (Annexure P-3) whereby the petitioner has been declared proclaimed offender. Further prayer has been made for staying the operation of impugned order dated 02.11.2022 passed by the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga (Annexure P-3) whereby the petitioner has been declared proclaimed offender during the pendency of the present petition.



2. At the outset learned counsel for the petitioner prays for withdrawal of the present petition qua the prayer for quashing of the FIR No.54, dated 20.05.2019, under Sections 306, 420, 120-B of IPC, 1860, registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and submits that he would be pressing the issue only qua the impugned order dated 02.11.2022 (Annexure P-3) by virtue of which the petitioner has been declared as proclaimed offender. He has submitted that the petitioner is a student, studying in Canada and now she is returning back to India on 10.12.2024. He has submitted that she was declared as proclaimed offender in her absence and no service was effected as in accordance with the provisions of Sections 82 & 83 of Cr.P.C. He has submitted that absence of the petitioner before the learned trial Court was neither intentional nor willful and she is ready and willing to appear before the trial Court.

3. Notice of motion to official respondent No.1 only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly declared the petitioner as proclaimed offender, who remained absent on 02.11.2022 without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on 02.11.2022 and thus she was declared as proclaimed offender. The reason for her absence has been given that she left India on 29.09.2018 and till date she has not come



back to India. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 02.11.2022 is hereby *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit her to bail subject to its satisfaction and proceed with the trial in accordance with law. She will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court and order under challenge dated 02.11.2022 would come in force and the present petition would be deemed to have been dismissed.

05.12.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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