

S. No.136

2024:PHHC:015143

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

CRM-M-65147 of 2023 (O&M)

Date of Decision:05.02.2024

Kuldeep Kaur

.....Petitioner

Vs.

Gurmeet Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikasdeep Singh, Advocate for the applicant- petitioner.

DEEPAK GUPTA, J. (Oral)

CRM No.4762 of 2024

This is an application moved under Section 482 Cr.P.C to place on record copies of the zimni orders passed from 14.01.2017 to 05.05.2022 as Annexure P.3 (colly).

Application is allowed. Annexure P.3(colly) is taken on record.

CRM-M-65147 of 2023

By way of this petition filed under Section 482 Cr.P.C., petitioner prays for quashing the order dated 27.05.2022 (Annexure P.1) whereby she has been declared proclaimed person by learned Sub Divisional Judicial Magistrate, Jagraon in Criminal Complaint No.COMA/228/2016 titled Gurmeet Singh Vs. Kuldeep Kaur.

By pointing out towards the various zimni orders passed by learned trial Court vide Annexure P.3(colly), attention is drawn by learned counsel for the petitioner towards the fact that the case had reached at the stage of defence evidence. Petitioner had appeared on 12.07.2021. Thereafter, she lost track because of the Covid period.

Her bail was cancelled on 24.11.2021 and ultimately, she was declared proclaimed person by way of the impugned order.

Learned counsel for the petitioner contends that as the case is already at the fag end i.e. defence evidence; and petitioner is ready to surrender before the trial Court, so necessary protection be provided to her.

Without serving any notice of this petition to the respondent, lest it may delay the proceedings before the trial Court, this petition is hereby disposed of with direction to the petitioner to surrender before the trial Court concerned within a period of 15 days, i.e. on or before 21.02.2024. On her such surrender, the trial Court shall revive the proceedings, in case file has already been consigned to the record room. The trial Court then shall initiate proceedings under Section 446 Cr.P.C against the petitioner, since she had been earlier allowed bail by the Court. Only after disposal of those proceedings under Section 446 Cr.P.C., petitioner shall be admitted to bail.

It is made clear that till the proceedings under Section 446 Cr.P.C are disposed of, petitioner shall not be taken into custody. However, in the meantime, if petitioner is sought to be arrested on account of having been declared proclaimed person, she shall be admitted to interim bail to the satisfaction of Arresting Officer.

Disposed of.

February 05, 2024

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Whether Speaking/reasoned
Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No
Yes/No