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

CRM-M-62513-2024

Date of decision : 16.12.2024

Arshdeep Kaur

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Narinder S. Lucky, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for quashing of order dated 05.08.2013 passed by learned Judicial Magistrate Ist Class, Jalandhar in case titled "State V. Sukhwinder Singh @ Sukha" bearing No.CHI-89727-2013 filed on 13.08.2013 in FIR No.42 dated 22.03.2013, under Sections 420, 406 and 120-B of IPC, registered at Police Station Adampur District Jalandhar vide which the petitioner was declared proclaimed offender and along with subsequent proceedings arising therefrom.

2. It has been submitted by counsel for the petitioner that petitioner was residing in America and in her absence, FIR was registered wherein she was declared as Proclaimed Person vide impugned order dated 05.08.2013 (Annexure P-3). He submits that the dispute is between the husband and wife. He submits that petitioner is now keen to return to India and join the proceedings. He further submits that petitioner would land in India on 09.01.2025. He submits that in the facts and circumstances of the case, the impugned order dated 05.08.2013 declaring



the petitioner as Proclaimed Person deserves to be quashed.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab accepts notice on behalf of the 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 person on 05.08.2013, who remained absent from the Court without any valid reason.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that petitioner was alleged to be in America and in her absence, FIR was registered wherein she was declared as Proclaimed Person vide order dated 05.08.2013. However, as stated by learned counsel for the petitioner that the petitioner is now keen to join the proceedings and face the trial in the present case as is clear from the fact that she is coming back to India on 09.01.2025 for the said purpose.

6. Taking into consideration all these facts, this Court is of the opinion that it would be appropriate if one opportunity is granted to the petitioner to surrender before the trial Court and face the trial. Consequently, the present petition is disposed of and the order dated 05.08.2013 is set aside. The petitioner is directed to appear before the trial Court within a period of 07 days from the date of her arrival to India i.e. 09.01.2025 and files an application for bail, before the Court concerned, who would decide the same within 03 days from the date of its filing. She will have protection from arrest for a period of 10 days from the date of her arrival in India i.e. from 09.01.2025 to 18.01.2025.

7. 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 05.08.2013 would come in force and the present petition would be deemed to have been dismissed.

16.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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