



CRM-M-36777-2025

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

CRM-M-36777-2025

Date of Decision: 15.07.2025

Sukhwinder Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Amitoj Singh Dhaliwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 24.10.2024 passed by learned Chief Judicial Magistrate, Hoshiarpur in a case No.CHA/80/2023 in FIR No.320 dated 10.11.2022 under Section 52-A of Prison Act, 1894, registered at Police Station City Hoshiarpur, District Hoshiarpur, vide which the petitioner has been declared as proclaimed person.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that neither the petitioner had any information nor any idea about her complicity in the said FIR and she came to know about the pendency of the present case only when a police official called her to ask about the details of her properties for attachment as she was declared as proclaimed person in the case. He submits that the petitioner was never called anywhere to be present in the present case. He submits that the absence of the petitioner was totally unintentional and beyond her control. He submits that now petitioner is keen to join the proceedings and face the trial in the above said case and comply with the condition, if any imposed by the Court and as such the



order dated 24.10.2024 to be set aside.

3. Notice of motion.

4. Mr. J.S. Arora, DAG, Punjab, accepts notice on behalf of the State and has submitted that learned trial Court has rightly declared the petitioner as proclaimed person as she intentionally not appeared before it.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner, she was declared as proclaimed person on 24.10.2024. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct her to appear before the Court concerned to face the trial in the present case, as now she is keen to join the proceedings and face the trial. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, no useful purpose would be served by sending her behind the bars, therefore, the order dated 24.10.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid by the petitioner to **Punjab and Haryana High Court Employees Welfare Association, Chandigarh** within a period of seven days from today

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.10,000/- and the trial Court would grant her bail till the disposal of the case on her furnishing fresh bail/surety bonds subject to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioner while admitting her to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to her and the order

dated 24.10.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

15.07.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No