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

**CRM-M No.37950 of 2025
Date of decision : 25.07.2025**

Jasdeep Kaur and another

.....Petitioners

versus

State of Punjab and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajiv Joshi, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 05.05.2025 (Annexure P-8) passed by the learned Judicial Magistrate First Class, SBS Nagar, declaring the petitioner as a proclaimed offender in COMI-37-2020, date of institution 21.10.2020 in 'Tirath Singh vs. Jasdeep Kaur and others' under Sections 323, 325, 341, 509 IPC and Section 67 of IT Act (petitioners being summoned only under Sections 323, 341, 509 IPC).

2. It has been contended by counsel for the petitioner that the petitioner has been prosecuted in a complaint filed under Sections 323, 325, 341, 509 IPC and Section 67 of IT Act (petitioners being summoned only under Sections 323, 341, 509 IPC). He has submitted that due to non-appearance on behalf of the petitioners, they were declared as proclaimed persons vide order dated 05.05.2025. He has submitted that proclamation proceedings under Section 82 Cr.P.C. were initiated against the petitioners



and thus vide order dated 05.05.2025, the petitioners were declared as proclaimed persons. He has submitted that the petitioners were not aware about the pendency of the present complaint as they had gone abroad in search of greener pastures. He has submitted that non-appearance of the petitioners was not intentional and bona fide. He has further submitted that the petitioners are keen to return to India and join the proceedings. He has thus submitted that the petitioners be granted protection for appearing before the Investigating Agencies. He has submitted that the petitioners will return to India on 29.08.2025.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly declared the petitioners as proclaimed persons, who remained absent from the Court without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a complaint filed under Sections 323, 325, 341, 509 IPC and Section 67 of IT Act (petitioners being summoned only under Sections 323, 341, 509 IPC). However the petitioners remained absent as they were never served with any notice of proclamation under Section 82 of Cr.P.C. and thereafter they were declared as proclaimed persons. As submitted by learned counsel for the petitioners that the petitioners will return to India on 29.08.2025. Without commenting anything about the authenticity of the ground of absence taken by the petitioners, this Court proceed to decide the matter as now the petitioners are ready and keen to join the proceedings. So keeping in



view the abovesaid facts, the present petition is disposed of and the impugned order dated 05.05.2025 declaring the petitioners as proclaimed persons is *set aside* subject to payment of Rs.50,000/- as costs **(Rs.25,000/- to be paid by petitioner No.1 to the Punjab and Haryana High Court Bar Association, Chandigarh and Rs.25,000/- to be paid by petitioner No.2 to the High Court Employees' Welfare Association, Chandigarh)** within a period of 10 days from the date of their landing in India. The petitioners are directed to appear before the trial Court within a period of 10 days from the date of their arrival and file appropriate application along with the receipt of deposit of above-said costs, then the trial Court will admit them to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioners will have protection from arrest for a period of 10 days from the date of their arrival in India.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction within the stipulated period, then they would not get benefit of this order and the order dated 05.05.2025 would stand automatically revived and the present petition shall be deemed to have been dismissed.

8. Disposed of in above terms.

25.07.2025
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(RAJESH BHARDWAJ)
JUDGE

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