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

CRM-M-40607-2025

Date of Decision: 01.08.2025

Kulvinder Kaur @ Kulwinder Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagjit Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 01.11.2018 (Annexure P-6), passed by learned ACJM, Kapurthala, whereby, the petitioner was declared as proclaimed offender in a case FIR No.86 dated 16.07.2009, under Sections 323, 324, 506, 34 IPC, at Police Station Sadar Kapurthala, District Kapurthala.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in the present case. He submits that the petitioner and her mother were summoned under Section 319 Cr.P.C. to face the trial in the present case. He submits that the petitioner got married on 18.02.2011. It is submitted that as per oral settlement arrived between the parties, the dispute was settled. However, vide order dated 01.11.2018, the petitioner was declared as proclaimed offender totally in violation of Section 82 Cr.P.C. As per the statement of Serving official, proclamation process of accused Kulwinder Kaur wife of Kulwant Singh, was duly executed, whereas, the petitioner is Kulwinder Kaur daughter of Balwant Singh and wife of Hardeep Singh. He submits that the absence of the petitioner was totally unintentional and beyond her control. He submits



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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 01.11.2018 declaring the petitioner as proclaimed offender, deserves to be set aside.

3. Notice of motion.

4. Mr. J.S. Arora, DAG, Punjab accepts notice on behalf of the State. He has submitted that learned trial Court has rightly declared the petitioner as proclaimed offender, as she intentionally did not appear before the trial Court.

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 offender on 01.11.2018. 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 01.11.2018, declaring the petitioner as proclaimed offender, is set aside subject to payment of Rs.10,000/- as costs to be paid to **Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh** by the petitioner 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



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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 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 01.11.2018 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

01.08.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No