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CRM-M-63070-2024

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2025-PHHC-012673



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-63070-2024

Date of decision: 28.01.2025

DEEPTI VERMA ALIAS DIPTI VERMA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Naveen Sharma, Advocate for
Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking quashing of the impugned order dated 22.04.2022 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala case titled as '*State vs. Kuldeep Chand and others*', whereby the petitioner was declared as proclaimed person.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 19.12.2024, petitioner appeared before the learned trial Court on 08.01.2025 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 08.01.2025 passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 22.04.2022 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala whereby the petitioner was declared

as proclaimed person, be quashed.



3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 08.01.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 19.12.2024:-

“ Learned counsel for the petitioner has placed on record the copy of the proclamation issued by the Court and also the photocopy of the statement of the executing official.

2. The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking quashing of the impugned order dated 22.04.2022 (Annexure P-3) passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala in case titled as ‘State vs. Kuldeep Chand and others’, whereby the petitioner was declared as proclaimed person.

3. It is inter alia contended by learned counsel for the petitioner that the petitioner has been falsely implicated in case FIR No.101, dated 27.07.2019 (Annexure P-1) registered under Sections 420, 120-B IPC P.S. Badhani Kalan, District Moga.

4. He contends that the petitioner has been residing abroad and never received any summons, warrants or proclamation for her appearance in the Court at any time. He further contends that from the perusal of the zimni orders passed by the learned Trial Court, it transpires that the proclamation under Section 82 Cr.P.C. was issued by learned Trial Court vide order dated 21.12.2021 requiring the presence of the petitioner for 17.03.2022. The proclamation was received back but the statement of executing official was ordered to be recorded for 21.04.2022.

5. On 22.04.2022, vide the impugned order dated 22.04.2022 (Annexure P-3), the petitioner was declared as proclaimed person in this case. He contends that there was no proclamation issued for 24.01.2022 by the learned Trial Court and therefore, declaring her proclaimed person is in violation of the provisions laid down under Section 82 Cr.P.C.

6. He further contends that the petitioner is ready to appear before the learned Trial Court and face the trial.



7. *Notice of motion.*
8. *On the asking of the Court, Mr. Ankit Grewal, DAG Punjab, present in Court, accepts notice on behalf of the State-respondent and has not disputed the factual matrix.*
9. *List on 28.01.2025.*
10. *In the meanwhile, the petitioner is directed to appear before the learned Trial Court on or before 10.01.2025 and in the event of her arrest, she is ordered to be released on interim bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned Court/Judge on duty. The petitioner will also furnish a specific undertaking that in future she will appear on each and every date of hearing without fail and only in case of extreme exigency will seek prior exemption from the Court in accordance with law.*
11. *The petitioner will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case.”*

6. Keeping in view the fact that the petitioner has already appeared on 08.01.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 19.12.2024, passed by this Court, the present petition is allowed and order dated 22.04.2022 (Annexure P-3), passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioner was declared as proclaimed person, is hereby set aside and the interim bail granted vide order dated 19.12.2024 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

28.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |