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

**CRM-M No.15607 of 2026
Date of decision: 13.05.2026**

Gurbax @ Gurbush Kaur Panesar @ Gurbux Kaur Panesar

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Naveen Batra, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 26.08.2003 (Annexure P-4) vide which the petitioner was declared as proclaimed offender in case bearing FIR No.37, dated 20.03.2003, under Sections 406 and 420 of IPC, registered at Police Station Sadar, District Ropar, Punjab along with all consequential proceedings arising therefrom.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely prosecuted in a case bearing FIR No.37, dated 20.03.2003, under Sections 406 and 420 of IPC, registered at Police Station Sadar, District Ropar, Punjab. He has submitted that the petitioner was residing abroad and the police officials obtained the remand on 08.04.2003. He has submitted that due to non appearance of the petitioner, she was declared as proclaimed offender by the learned Chief

Judicial Magistrate vide order dated 26.08.2003. He has submitted that the

petitioner was never served with any notice and no proper procedure was adopted as she is a British Citizen. He has submitted that the order declaring the petitioner as proclaimed offender is in violation of the provisions of Section 82 of Cr.P.C. He has submitted that the petitioner has good case on merits and absence of the petitioner is neither intentional nor willful. He has submitted that *de hors* the allegations made, the petitioner is ready to return to India and keen to join the proceedings. He, on instructions, has submitted that the petitioner would return to India by 31.07.2026. He has thus submitted that the petitioner be granted protection for appearing before the learned trial Court.

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

4. On asking of the Court, Mr. Ekompal Sagoo, AAG, Punjab appears and accepts notice on behalf of respondent No.1-State. He has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner has rightly been declared as proclaimed offender as she remained absent from the Court without any valid reason.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in a case bearing FIR No.37, dated 20.03.2003, under Sections 406 and 420 of IPC, registered at Police Station Sadar, District Ropar, Punjab. However, the petitioner remained absent as she was never served with any notice of proclamation under Section 84 of BNSS and thereafter she was declared as proclaimed offender vide order dated 26.08.2003. As submitted by learned counsel for the petitioner that the petitioner is in abroad and will return to India by 31.07.2026. Without commenting anything about the authenticity of the

ground of absence taken by the petitioner, this Court proceeds to decide the matter as now the petitioner is 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 26.08.2003 is hereby *set aside* subject to payment of costs of Rs.35,000/- to be paid to **the Society for the Care of Blind, Sector 26, Chandigarh** within a period of 07 days from the date of her landing in India. The petitioner is directed to appear before the learned trial Court within a period of 10 days from the date of her arrival and files appropriate application along with the receipt of deposit of above-said costs, then the trial Court will admit her to bail subject to its satisfaction during the pendency of the trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of her arrival in India.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction within the stipulated period, she have no benefit of this order and the order dated 26.08.2003 declaring the petitioner as proclaimed offender would stand automatically revived and the present petition shall be deemed to have been dismissed.

7. Disposed of in above terms.

13.05.2026

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

(RAJESH BHARDWAJ)
JUDGE