



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

Sr. No.231-2

CRM-M-28267-2019 (O&M)

Date of decision : 06.05.2026

AMANDEEP KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANR

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Swarn Tiwana, Advocate for the petitioner.

Mr. Ekom Pal Sagoo, AAG, Punjab.

None for the respondent No.2.

KIRTI SINGH, J. (Oral)

1. The prayer in the present petition filed under Section 482 of Cr.P.C. is for quashing of order dated 25.09.2018 (Annexure P-3) passed by the learned ACJM, Kapurthala, vide which the petitioner was declared as proclaimed offender in case FIR No.01 dated 11.01.2017, under Sections 420 and 498-A IPC, registered at Police Station NRI, District Kapurthala (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner, who is the married sister-in-law of the complainant/respondent No.2, has been falsely implicated in the abovesaid FIR due to her being related to the husband of the complainant. It is submitted that the petitioner is a permanent resident of Australia, and was not even present in India at the time of the registration of the FIR, and even when proclamation proceedings were initiated against her. The petitioner was also not duly served in compliance of the mandatory provisions of Sections 82 and 105 of Cr.P.C., thereby rendering her declaration as a proclaimed offender bad in law.



3. *Per contra*, learned State counsel, has submitted that the petitioner, despite the issuance of proclamation, had failed to appear before the trial Court and thus has rightly been declared a proclaimed offender vide the impugned order.

4. Heard the submissions made by respective learned counsels for the parties.

5. According to the averments, the petitioner had left for Australia before registration of the aforesaid FIR and no efforts were made to serve the petitioner at her foreign address. Be that as it may, the objective of the coercive mechanism prescribed under the Code of Criminal Procedure, 1973 is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua them. However, if they show sincere intention and desire to appear before the Court, then it would not be unjustified to protect them from being arrested.

6. In the present case, since the petitioner has expressed her willingness to put in appearance before the learned Trial Court and join the trial proceedings, this Court deems it fit to quash the impugned order dated 25.09.2018 (Annexure P-3), vide which the petitioner has been declared proclaimed offender.

7. Accordingly, the present petition stands allowed and the impugned order dated 25.09.2018 (Annexure P-3) is set aside/quashed subject to payment of Rs.20,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh. The petitioner is directed to appear before the Court concerned within a period of three weeks from the date of this order, and move an appropriate bail application along with receipt of payment of cost. The trial Court would accordingly release the petitioner on bail subject to its satisfaction. No coercive action would be taken against the petitioner



till then. However, in case of failure to comply with the aforesaid direction within stipulated period, then this order would be of no avail to the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

06.05.2026
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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No