

**In the High Court of Punjab and Haryana at Chandigarh**

[131]

CRM-M-65036-2024

Date of Decision: 03.02.2025

AMANDEEP KAUR ALIAS POOJA

..... PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Through the instant petition filed under Section 528 of BNSS, 2023(replace with Section 482 Cr.P.C.), the petitioner-*Amandeep Kaur @ Pooja*, has prayed for quashing of the order dated 16.04.2024 passed by the learned Court of JMIC, Bathinda(Annexure P-2), whereby the petitioner, namely, *Amandeep Kaur alias Pooja* has been declared a proclaimed person second in time during the proceedings of case/FIR No.345, dated 25.12.2015 under Sections 382, 384, 341, 506, 170 and 148 of IPC, registered at Police Station Kotwali, Bathinda, Punjab(Annexure P-1),

2. Learned counsel for the petitioner submits that earlier also on account of some medical emergency, petitioner could not appear in the previously on-going Court proceedings before the learned trial Court and, resultantly, vide order dated 11.07.2019, petitioner was declared a proclaimed person. It was by virtue of the order passed by this Court on 09.07.2021, whereby, the petitioner was directed to be released on interm bail on her appearing before the learned trial Court and on compliance of said direction, subsequently, vide order dated 04.08.2021 passed in **CRM-M-25976-2021**, titled as ***“Amandeep Kaur @ Pooja Vs. State of Punjab”***



(Annexure P-6), the previous order dated 09.07.2021 was made absolute by setting aside the P.O. order dated 11.07.2019.

3. Therefore, the present petitioner rejoined the proceedings but because of certain medical complications on account of the miscarriage, she could not appear again before the Court concerned and thereupon on 04.11.2023, her bail was cancelled. Subsequently, vide impugned order dated 16.04.2024(Annexure P-2), she was again declared as proclaimed person.

4. Learned counsel for the petitioner submits that there was no mala fide intention when petitioner absented herself from the Court proceedings, as it was on account of some health issue only. Moreover, the petitioner is a woman, who is a household lady, having no concern with the criminal activities or even she is not acquainted with the binding principles of Court proceedings.

5. Learned counsel for the petitioner also referred to the judgment of acquittal dated 08.10.2024 passed by learned Judicial Magistrate 1st Class, Bathinda (Annexure P-3) and submits that out of the total 09 accused, 05 accused have already been acquitted, namely, (i) *Gurmeet Kaur @ Preeti* (ii) *Sarabjit Singh @ Sarba* (iii) *Sukhdeep Singh @ Masa* (iv) *Sarsar Singh @ Sunny* (v) *Gurjinder Singh @ Soni*. Qua others 04 accused, namely (i) *Rachpal Singh*, (ii) *Amandeep Kaur @ Pooja* (**present petitioner**) (iii) *Manjit Kaur @ Pammi* and (iv) *Kulwant Singh @ Gori*, no decision could be taken, because on account of their absence, they had been declared proclaimed persons.

6. Further submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting him from arrest, the petitioner



undertakes that he would not absent himself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

7. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, she has misused the concession of bail granted by the Court. Learned State counsel further submits that looking at his behaviour, there is no surety that in future, petitioner would not be absent for the purpose of delaying the trial.

8. In number of cases, this Court has considered similar plea of appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

[see: Ashish Kumar Honda @ Ashish Handa v. State of Punjab, Law Finder Doc Id # 2038111; and Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)]

9. I have considered the submissions of both the sides and examined the relevant material available on record. The petitioner has remiss in appearing before the Court only on one date i.e. on 04.11.2023, when impugned order cancelling the bail and issuance of non-bailable warrants has been passed against him. It also cannot be left unnoticed that within 09 months of the absence from the Court, and on coming to know about passing of the



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impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

10. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside to the extent of issuance of non-bailable warrants against the petitioner, and she is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 15.02.2025.

11. The petitioner shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court, in case the bail bonds have already been forfeited. Besides, petitioner would also submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

12. However, this order shall be subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioner in an Old Age Home of the area, as may be decided by the learned Trial Court. The Trial Court shall also specify the time frame within which such costs will be required to be deposited.

Let costs amount be deposited and receipt be shown to the concerned Court by appearing, failing which this order would not be of any advantage to the petitioner.

13. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.02.2025

ANJAL

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