

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

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**CRM-M-15978-2025
DATE OF DECISION: 24.03.2025**

MEENA KUMARI AND ANR**...PETITIONERS****Versus****STATE OF PUNJAB AND ANOTHER****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

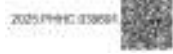
Present: Mr. Rohit Joshi, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS praying for quashing of impugned order dated 15.05.2023 (Annexure P-5) passed by Judicial Magistrate Ist Class, Dasuya, in Comi No.79/2019 titled as (Shanti Saroop V/s Jagdish Ram and Others) vide which the petitioners have been declared proclaimed person, and quashing of complaint case and all the consequential proceedings arising therefrom.

Learned counsel for the petitioners confines his prayer only to quashing of order declaring the petitioner proclaimed person and submits that the petitioners were never served in the complaint case, moreover, the name of the petitioner No.1 is Meena Kumari and in the complaint, the name of petitioner No.1 is mentioned as Jeevna, moreover, the petitioner No.2 was not present in India as he was out of the country



and the Trial Court vide order dated 15.05.2023 has declared the petitioners proclaimed persons without observing the fact that petitioner No. 1 was not named in the present case and petitioner No. 2 was not present in the Country. He submits that the petitioner did not had any intention to avoid attendance in the Court proceeding. He undertakes that the petitioners will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

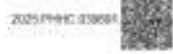
Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioners that they will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioners are directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioners before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioners does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.



The aforesaid order/concession to the petitioners shall be subject to payment of costs of Rs.25,000/- each to be deposited with the Punjab and Haryana High Court Employees' Welfare Association and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioners for seeking bail be considered and decided on the same day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.03.2025
anuradha

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*