

103/A

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

CRM-M-20054 of 2015

Date of Decision: 18.06.2015

Harbans Kaur @ Naibo and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioners.

Ramendra Jain, J.

By way of this present petitioner under Section 438 Cr.P.C., the petitioners have sought the anticipatory bail in case FIR No.139 dated 17.04.2005 under Sections 420/406/467/468/471/506/34 IPC registered at Police Station Sadar Sri Muktsar Sahib, now Lakhewali, District Sri Muktsar Sahib.

The petitioners are facing trial in the aforesaid case before SDJM, Malout. However, they absented on 07.04.2015, on which date, PW Nirmal Singh was present. Consequently, their bail was cancelled and surety bonds were forfeited to the State. They were ordered to be summoned through non-bailable warrants.

learned Additional Sessions Judge, Sri Muktsar Sahib vide order dated 14.05.2015, the petitioners have approached this Court.

Learned counsel for the petitioners contended that the petitioners are regularly appearing before the learned trial Court on each and every date. They have absented only on 07.04.2015 on account of illness of petitioner No.1. Petitioner No.2 was taking care of her. Their absence was not intentional or deliberate, therefore, they may kindly be granted anticipatory bail.

In view of the totality of the facts and circumstances of the case, since there is a single default of the petitioners of non-appearance on 07.04.2015, therefore, in the interest of justice, the petitioners are directed to surrender before the learned trial Court/Duty Magistrate on or before 22.07.2015 i.e. the date already fixed before the learned trial Court and shall be released on interim bail on their furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, Sri Muktsar Sahib.

However, it is clarified that in case the petitioners remain absent on a single date in future, they shall not be entitled for any concession of bail.

18.06.2015
'yogesh'

(RAMENDRA JAIN)
JUDGE