

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-3750-2019 in/and
CRM-M-2122-2019
Date of decision: 30.01.2019

Gayatri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Vijay Lakshmi, Advocate
for the applicant-petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this application is for preponing the date of hearing i.e. 26.03.2019 fixed in the main case, to some earlier date and for staying the warrants of arrest issued against the petitioner.

Learned counsel for the applicant-petitioner submits that the petitioner is a lady and is not maintaining good health and has relied upon the medical record (Annexure P-1 colly.).

Prayer in the main petition is for quashing of the order dated 15.12.2018 passed by the Addl. Sessions Judge, Hisar in appeal No.237-CRA in FIR No.57 dated 12.02.2008 under Sections 406, 420, 506, 120-B IPC, Police Station Agroha, vide which arrest warrants are issued against the petitioner as well as the co-accused, who have filed the appeal without surrendering before the lower appellate Court.

It is worth noticing that the petitioner has earlier filed CRM-M-12352-2016, in which she has prayed for quashing of the orders dated 25.02.2016 and 02.03.2016, vide which non-bailable warrants were issued against her and other convicts as they were convicted by the trial Court vide judgment dated 08.02.2016 and vide order of sentence dated 15.02.2016, the petitioner was convicted to undergo imprisonment for a period of two years. In the said petition, on 11.04.2016, while issuing notice of motion, it was observed that limited prayer made by the petitioner was for grant of time to file an appeal and till that time, the warrants of arrest be kept in abeyance. That petition remained pending for a considerable long time and an affidavit of DSP, Headquarter, Hisar was filed that despite availing of interim order, the petitioner or other convicts have not filed any appeal, the said petition was dismissed on 14.12.2018.

It is stated in the main petition that the petitioner has already filed an appeal before the Addl. Sessions Judge, Hisar along with an application for condonation of delay and grant of bail, which was however dismissed, as the petitioner has not surrendered before the appellate Court and warrants of arrest are issued on 15.12.2018.

Learned counsel for the applicant-petitioner submits that the petitioner is ready to surrender before the lower appellate Court and apply for suspension of sentence.

Notice of the application to Advocate General, Haryana.

On asking of the Court, Mr. Arun Kumar, AAG, Haryana accepts notice on behalf of the respondent-State and submits that he has no objection to issuance of direction to the lower appellate Court that in case the

petitioner surrenders before the trial Court, she be released on bail.

After hearing learned counsel for the parties, date of hearing i.e. 26.03.2019 fixed is preponed to today and the main petition is taken on board for final disposal.

Without commenting anything on merits of the case, considering the fact that the petitioner is facing health problems; she is a lady and is ready to surrender before the lower appellate Court, it is directed that in case the petitioner surrenders before the lower appellate Court within a period of three days from today, she may be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the lower appellate Court.

Accordingly, the present application as well as the main petition are disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

30.01.2019
vishnu

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