

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

CRM-M-13952-2019

DATE OF DECISION:-27.03.2019

KULWINDER KAUR

...PETITIONER...

V.

STATE OF PUNJAB AND ANR.

..RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. has been made for quashing impugned order dated 11.03.2019 (P-7) of the trial court, whereby, application (P-6) moved by the petitioner, was dismissed.

Learned counsel drawing attention of this Court to medical certificates (Annexures P-8 and P-9) issued by Doctors of Shreeji Medical Centre, 22 Shitby Road, Slough situated in United Kingdom, urged that the petitioner has been given appointment for 01.04.2019, for surgery, which is direly needed.

Considering the alleged surgery of the petitioner, impugned order dated 11.03.2019 (P-7) is set aside. Petitioner is permitted to go abroad for operation, subject to her furnishing adequate bail bonds/surety bonds, besides, depositing ₹20.00 lakhs in cash in the name of trial court,

which shall be converted in the shape of some STDR in some nationalised

bank fetching maximum rate of interest to save loss of interest to the petitioner, in case, she does not violate her undertaking of coming back to India, as and when her presence would be required by the court on the first date itself without making excuse of any kind i.e., illness, helplessness, pre-occupation, inability, some exigency etc.

This Court is conscious of the fact that above condition of directing the petitioner to deposit ₹20.00 lakhs in cash is harsh, but the same has been imposed considering the fact that earlier the petitioner evaded the process of law and remained absent for 5 years. Accordingly, trial could not be proceeded further with the trial.

Even otherwise, the said condition cannot be considered as harsh, in view of the fact that, in case, the petitioner would not violate the condition of her bail and surety bonds, in that eventuality, she would not suffer any loss, as her deposit has been ordered to be converted into STDR, to save loss of interest to her.

It is clarified that in case, of even on a single default of her non-appearance, in violation of her undertaking, the above amount of ₹20.00 lakhs shall be forfeited to the State, without affording any opportunity of hearing to the petitioner.

Disposed of.

27.03.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No