

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-17098 of 2019

Date of Decision: 12.04.2019

Jagmohan Verma & others

...Petitioner(s)

Versus

Nirmala Devi & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Jasneet Nehra, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in complaint case No.109 dated 22.07.2015 under Sections 302/406/498A/120B/34 IPC pending in the Court of Judicial Magistrate Ist Class, Amritsar, wherein the petitioners have been summoned to face trial under Section 304-B read with Section 34 IPC.

Learned counsel for the petitioners has argued that vide order dated 28.03.2017, the petitioners have been summoned to face trial for offence under Section 304-B read with Section 34 IPC. The petitioners have been regularly appearing before the trial Court and were granted bail. However, on 02.03.2019, the case was adjourned to 30.03.2019, but their counsel had noted the wrong date and informed the petitioners that next date of hearing in the case is 30.04.2019. But in fact the case was

adjourned for 30.03.2019 and due to this, the petitioners could not appear before the trial Court on 30.03.2019. Resultantly, bail bonds of the petitioners have been cancelled and forfeited. There was no oblique motive on the part of the petitioners to remain absent, particularly when they were already on bail and were appearing in the Court regularly. He has produced the photocopy of the diary maintained by the conducting counsel before the trial Court, to substantiate his argument that the case was listed before the trial Court on 02.03.2019 and the next date was wrongly entered as 30.04.2019 in the diary.

Notice of motion.

At the asking of the Court, Mr. Rana Harjasdeep Singh, DAG, Punjab accepts notice on behalf of these respondents.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Considering the fact that the petitioners were otherwise on bail and it is only on 30.03.2019, they could not appear before the trial Court, this Court finds that the explanation submitted by counsel for the petitioners carries weight.

Accordingly, this petition is disposed of with a direction that in case the petitioners appear before the trial Court within a period of 10 days from today, they shall be admitted on bail on furnishing of adequate bail bonds/ surety bonds to its satisfaction.

April 12, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No