

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

CRM-M-12368-2020

Date of Decision : 22.07.2020

Rajbala

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Rajat Mor, Advocate
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.(ORAL) _

Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.PC seeking anticipatory bail to the petitioner in FIR No. 317 dated 23.5.2015 for the offences under Sections 323,452,506,34 IPC (Section 325 added subsequently) at Police Station Samalkha, District Panipat.

On 14.05.2020 while issuing notice of motion the following order was passed by this Court :

“On account of outbreak of covid-19 the instant matter is being taken up through video conferencing. Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioners in FIR No. 317 dated 23.5.2015 for the offences under Sections 323,452,506, 34 IPC

(Section 325 added subsequently) at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner inter alia contends that the FIR in question was initially registered under Section 323,452,506,34 IPC and later on in the challan filed by the police Section 325 IPC was added on the basis of opinion of the doctor. Thereafter charges were framed on 3.1.2018 under Sections 323,325,452,506 read with Section 34 IPC. The complainant being aggrieved of order dated 3.1.2018 approached the court of Sessions by way of a revision. The matter was already fixed before the learned JMIC Samalkha on 15.2.2020 and since the order of the learned appellate court was still awaited the trial court adjourned the case to 7.4.2020. However, in the meantime order dated 2.3.2020 was passed by the learned appellate court setting aside the order dated 3.1.2018 wherein directions were given to the trial court to re-hear the parties.

Resultantly, in compliance of the order dated 2.3.2020 the trial court directed all the accused persons including the present petitioner to put in their appearance on 9.3.2020. This direction was not communicated to the petitioner, with the result she could not appear before the learned JMIC on the given date. Subsequently vide order dated 9.3.2020 the learned JMIC cancelled the bail of all the accused including the petitioner who had earlier been granted concession of regular bail on 9.6.2015 (Annexure P-2). It has been submitted that the petitioner had been regularly appearing before the court below and it was only on account of mis-

communication that she was unable to appear before the court below on 9.3.2020 and 23.3.2020 as a result of which non-bailable warrants were issued against her.

Notice of motion for 22.7.2020.

Meanwhile, petitioner is directed to appear before the trial court/duty Magistrate on or before 24th May, 2020. On her appearance, she shall be released on interim bail to the satisfaction of trial court/duty Magistrate. Copy of the order of the trial court shall be produced on the next date of hearing.”

During the course of hearing today it has gone uncontroverted that the petitioner has duly appeared before the trial Court on 21.05.2020 and has been released on interim bail.

The petitioner concededly having joined trial proceedings, prayer in the instant petition is accepted.

Order dated 14.05.2020 passed by this Court is made absolute.

Disposed of.

22.07.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No