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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 16260 of 2020
Date of decision: 08.07.2020

Nathi

.....Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. D.N. Ganeriwala, Advocate, for the petitioner.

Mr. Mehardeep Singh Dullat, Additional Advocate
General, Punjab.

Sanjay Kumar, J.

The petitioner seeks regular bail under Section 439 Cr.P.C.

Significantly, she suffered conviction in Criminal Case No. 182 of 07.06.2012 on the file of the learned Chief Judicial Magistrate, Faridkot, *vide* judgment dated 06.06.2015, and was sentenced to rigorous imprisonment for a period of two years and payment of fine of Rs. 1000/-. This conviction arose out of FIR No.243 dated 29.08.2010 on the file of Police Station City Faridkot, registered under Sections 379 and 411 IPC

Aggrieved thereby, the petitioner filed an appeal in CRA No.23 of 2017 before the learned Additional Sessions Judge, Faridkot, and was granted bail in the first instance. However, as she failed to appear on the

stipulated date, a non-bailable warrant was issued for her arrest. She was produced by the authorities only on 03.02.2020 and was again taken into custody. She then filed an application in CIS No.BA-513/2020, under Section 439 Cr.P.C, before the learned Additional Sessions Judge, Faridkot, seeking release on regular bail. However, by order dated 30.05.2020, the Appellate Court dismissed the application taking note of the fact that the failure of the petitioner to attend the Court proceedings had caused considerable delay of about two years.

Having suffered the aforesaid order, the petitioner filed the present petition under Section 439 Cr.P.C seeking grant of regular bail.

Given the fact that the petitioner suffered dismissal of her bail application by the Appellate Court, *vide* order dated 30.05.2020, it is not open to her to ignore the same and straightway seek regular bail from this Court under Section 439 Cr.P.C. The present petition is therefore utterly misconceived and is accordingly dismissed.

This order shall however not preclude the petitioner from taking recourse to appropriate remedies available to her in accordance with law.

(SANJAY KUMAR)
JUDGE

08.07.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no