

CRM-M-18434-2021

Date of Decision : 11.05.2021

Kiran Kapoor

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Balkar Singh, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Learned counsel contends that pursuant to the surrender of the petitioner before the learned trial Court on 22.11.2018, the petitioner was allowed bail and thereafter she attended proceedings on numerous dates but absented from the trial on 04.11.2019, due to communication gap between the petitioner and her lawyer, consequently, bail allowed to the petitioner was cancelled as the petitioner was not aware of the summons,ailable warrants, warrants of arrest and proclamation issued under Section 82 of Cr.P.C. to secure her presence, as she had shifted her residence but undertakes to appear on each and every date before the learned trial Court during the pendency of the trial. Learned counsel further states that in the light of the petitioner having been declared as proclaimed offender on 21.03.2020, he does not press the petition for anticipatory bail and may be permitted to withdraw the same with liberty to the petitioner to surrender before the learned trial Court,

to move a petition for regular bail and directions being issued to the learned trial Court to consider and decide the same in a time bound manner.

3. Notice of motion.

4. Mr. Krishan K. Chahal, Addl. AG, Haryana, accepts notice on behalf of the respondent and states that he has no objection to the prayer of learned counsel for the petitioner.

5. Accordingly, in view of the statement of learned counsel for the petitioner but without opining on the merits of the case, the petition under Section 438 Cr.P.C., is dismissed as withdrawn, with liberty to the petitioner to surrender before the learned trial Court. In the eventuality of a petition for regular bail being moved before the learned trial Court, the learned trial Court is directed to consider and decide the same in accordance with law after taking into account all aspects of the matter, as expeditiously as possible, preferably on the same date while keeping in view the undertaking of the petitioner as given through her counsel to appear before the learned trial Court on each and every date of hearing during the pendency of trial, as also by taking into account the fact that the petitioner is a woman coupled with the conditions prevailing on account of Corona Virus pandemic.

(B.S. Walia)
Judge

11.05.2021

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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>