

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

(103)

CRM-M-7102-2022

Date of Decision : February 24, 2022

Joginder Kaur**.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Kamal Narula, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.42 dated 12.03.2018 registered under Sections 419, 420 and 120-B of the IPC at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner argues that the petitioner was already granted the benefit of bail by the competent Court of law after which, the petitioner was appearing before the trial Court on the dates fixed but the petitioner could not appear before the trial Court on 16.02.2021 and the said absence of the petitioner was due to the fact that she never knew about the said date as the same was not informed to her by her counsel and keeping in view the said fact, the default remain on the next date of hearing as well. Learned counsel for the petitioner submits that the petitioner has no intention to jump the bail or violate the conditions of the bail and as the petitioner intends to join the proceedings, one more opportunity may be

granted to the petitioner to appear before the trial Court as sending the petitioner behind the bars will serve no purpose.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that once the petitioner was extended the concession of regular bail, it was her duty to attend all the proceedings and be informed about the same and the order passed by the Court below cancelling the bail of the petitioner is only due to the acts of the petitioner herself and now, she cannot blame anyone else.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts that the petitioner was already on bail and the default of absence occurred due to the alleged non-communication of the date of hearing by the counsel to the petitioner to the petitioner and by giving her a benefit of doubt, especially when learned counsel for the petitioner has undertaken before this Court that henceforth, the petitioner will attend all the proceedings unless and until granted an exemption by the trial Court on the prior date, the prayer of the petitioner for the grant of anticipatory bail is accepted.

In case, the petitioner surrenders before the trial Court within next 10 days, the trial Court is directed to release her on bail subject to the conditions trial Court deems fit.

The present petition is allowed in above terms.

February 24, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No