

CRM-M-20473-2022

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

CRM-M-20473-2022

Decided on: 16.05.2022

Mrs. Kalai Selvy Rasiah @ S. Shaminee Selvy

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bharat Julka, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

ANOOP CHITKARA, J.

Complaint registration No.4799/2014 CNR No.PBLD03-007988-2014 Instituted on: 19.07.2014

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants due to the default in an appearance before the trial court, the petitioner has come up before this court.

2. The background leading to the cancellation of bail and issuance of non-bailable warrants is as follows:

3. Ld. Counsel for the petitioner states that the matter was being settled and due to miscommunication, the petitioner could not attend, which led to the issuance of non-bailable warrants.

4. Without adjudicating the maintainability of this petition under section 482 CrPC, and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. The petition is allowed to the extent mentioned in this order and with the following conditions.

5. **There shall be a stay of the petitioner's arrest in the case mentioned above till July 4, 2022; however, if the petitioner fails to appear on or before July 04, 2022, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the petitioner appears before the concerned court, then the impugned order dated 12.04.2022 (Annexure P-5), issued by the concerned court against the**

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petitioner in the matter mentioned above shall stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the petitioner to furnish fresh bail bonds, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court to its satisfaction.

6. **By July 04, 2022**, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the concerned Police station. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

7. **This order is subject to the petitioner appearing before the concerned court on or before July 4, 2022.**

8. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

16.05.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.