

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

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CRM-M-31839-2022

Date of Decision: 28.07.2022

Preeti Jakhar

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Eklavya Gupta, Advocate, for the petitioner.

Mr. Akashdeep Singh, Addl.PP, UT Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.131 dated 01.06.2021 at Police Station East, Sector-26, Chandigarh, under Sections 379-A/353/452/34 IPC.
2. The case of the prosecution is that on 01.06.2021 at about 9.00 PM a wireless message was received from control room about forcible entry of a woman in House No.20, Sector-7, Chandigarh. On this, when the police reached there, both the accused persons were there and Constable Sumer Singh moved a written complaint that they had forcibly entered in the said house and created obstruction in his duty, manhandled him and also snatched his wrist watch. On this, the present case was registered. Investigation was commenced after taking both the accused persons into custody. Ultimately, the final report under Section 379-A/353/411 read

with Section 34 IPC was presented against both of the accused persons for putting them on trial.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that in fact the petitioner had earlier been granted bail by the Sessions Court vide order dated 01.12.2021 (Annexure P-2) and had been appearing regularly before the trial Court, but subsequently on account of having noted down the date incorrectly, she could not appear on 02.04.2022, as she was under the impression that the date fixed is 12.04.2022 and consequently, her bail bonds and surety bonds were cancelled. Subsequently, the petitioner happened to get arrested in another case on 11.04.2022 and was produced in the present case pursuant to issuance of production warrants on 23.05.2022 and has been in custody since then. Learned counsel for the petitioner has submitted that her absence from the trial Court as on 02.04.2022 was the first instance of default on her part and was not intentional and that since the petitioner has now been behind bars since the last more than 2 months, the same would serve sufficient deterrent for her to be more careful in future. Learned counsel has, thus, prayed for release of the petitioner on regular bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in two other identical cases and since in the present case she had violated the conditions of bail bonds/surety bonds, she does not deserve any leniency.
5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that the petitioner had absented from the trial Court on 02.04.2022, but she was arrested in the month of May, 2022 and as on date has been behind bars since the last more than 2 months.
7. Having regard to the nature of offence and the fact that the default in the present case regarding her absence is the first instance and while also noticing that the petitioner is a lady, a lenient view is being taken. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. Since it has been informed by the learned State counsel and it is also not disputed by the learned counsel for the petitioner that all the three cases pending against the petitioner pertain to identical offences, which were allegedly committed by the petitioner while forcing her entry into the office/residence of a particular Officer, the petitioner is directed to be more careful and not to indulge herself into similar incidents in future.

28.07.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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