

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

124

**CRM-M-38391-2022 (O&M)
Decided on : 26.08.2022**

Parveen Kumari

... Petitioner(s)

Versus

State of UT Chandigarh and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Simarnjeet Singh, Advocate and
Ms. Simranjeet Kaur, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of the order dated 26.05.2022 (Annexure P-3), passed by learned JMIC, Chandigarh, in Criminal Complaint No. 3543 of 2019, dated 16.03.2019, under Section 138 of the Negotiable Instruments Act, 1881.

Counsel for the petitioner submits that due to miscommunication *qua* the date fixed before the learned trial Court, petitioner could not come present on 26.05.2022 to join proceedings and consequently, bail granted by the Court, was cancelled and bail bonds were forfeited and non-bailable warrants of arrest were also issued, which is now pending for 18.10.2022.

Counsel for the petitioner further submits that petitioner is not involved in any other case and she is a household lady of aged 65 years. The mistake occurred due to lack of communication, the petitioner could not acknowledge the correct date of appearance and therefore, the said default was *bona-fide*. He further submits that the petitioner is ready to appear and join the proceedings before the learned trial Court and further requests that in case of her appearance before the trial Court, she be granted the concession of bail again.

Notice of motion.

Mr. Akashdeep Singh, Addl. PP, UT, Chandigarh, has put in appearance on behalf of the respondent - State and opposed the request of the learned counsel for the petitioner by submitting that it seems to be intentional absence from the Court and misuse of concession of bail and thus, because of her absence, proceedings before the trial Court are also delayed. Therefore, the conduct of the petitioner of being absent from the Court should not be taken lightly and the order dated 26.05.2022 (Annexure P-3), be upheld, as the same has been passed as per law.

Considering the contentions made by learned counsel for the parties, this Court is of the view that paramount consideration for the Court is to secure presence of the accused before it, so that at the earliest trial may go on and decided speedily. Otherwise also, petitioner is a woman, aged of 65 years and stated to be not involved in any case of any nature. Therefore, taking a lenient view, it would be appropriate in the interest of justice, if petitioner is granted one more opportunity to appear before the trial Court. In case, petitioner appears before the trial Court, within a period of 10 days from today, the learned trial Court would release her on bail subject to her furnishing requisite fresh bail/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that she keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

In view of above, the present petition is allowed.

(SANJAY VASHISTH)
JUDGE

August 26, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*