

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

**CRM-M-37341-2022 (O&M)
Date of decision: 23.08.2022**

Pooja Malhotra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J. (ORAL)

The present petition under Section 482 Cr.P.C. is for quashing of the order dated 11.07.2022 (Annexure P-4) passed by the learned Sessions Judge, Ferozepur, vide which the bail granted to the petitioner was cancelled and her bail and surety bonds were forfeited and non-bailable warrants were issued against her, in case bearing FIR No. 35 dated 18.03.2019 registered under Sections 379-B, 328 and 120-B IPC, at Police Station Guruharshai, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner was granted regular bail vide order dated 15.07.2019 passed by the learned Sessions Judge, Ferozepur; that thereafter, she was regularly appearing before the Court; that even on 02.05.2022, the petitioner was very much present with her counsel, when the prosecution witnesses were examined and the case was adjourned to 11.07.2022; that on 11.07.2022, the petitioner could not appear before the Court, as she had noted a wrong date and accordingly, her surety/bail bonds were cancelled and forfeited to the State and non-bailable warrants of arrest were issued against her; that the non-appearance on

11.07.2022 was not intentional and that the petitioner is ready to appear before the learned trial Court.

Notice of motion.

On the asking of this Court, Mr. Subhash Godara, Addl. A.G. Punjab, accepts notice on behalf of the respondent-State.

It is a case, wherein, the petitioner had been regularly appearing before the Court, but only on a solitary date i.e. 11.07.2022, she could not appear before the trial Court due to noting a wrong date and therefore, her non-appearance on the said date seems to be unintentional.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Keeping in view the above fact, but without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court/Duty Magistrate, within 10 days from today, subject to her depositing the costs of Rs.15,000/- with the District Legal Services Authority, Ferozepur. On her doing so, the petitioner shall be released on bail, subject to her furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

23.08.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No