

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39659-2022
Reserved on: 02.09.2022
Pronounced on: 07.09.2022

Kawaljit Kaur @ Kanwaljit Kaur ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anand Kaushal, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

Criminal Complaint	No. NACT/38/2019, under Section 138 of the Negotiable Instruments Act, 1881, District Amritsar
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1. Challenging the order of cancellation of bail and issuance of non-bailable warrants, vide order dated 28.04.2022, passed by JMIC Baba Bakala Sahib, due to the default in an appearance before the trial court, the petitioner has come up before this court.
2. The nature of order this court proposes to pass, no response is required from the respondent. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control.
3. Without adjudicating the maintainability of this petition under section 482 Cr.P.C., 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.
4. There shall be a stay of the petitioner's arrest in the case mentioned **up to Sep 19, 2022**; however, if the petitioner fails to appear within this time, 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 above-mentioned impugned order, passed by the concerned court, against the 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. The bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not cancelled due to non-appearance or breach of conditions.

5. This order is subject to the petitioner paying the cost of Rs. 5000/- to the complainant, on the next date, in the manner and mode as may be directed by the concerned trial court.

6. ***This order is subject to the petitioner appearing before the concerned court by Sep 19, 2022, and complying with the above-mentioned conditions, failing which it shall stand recalled under section 362 read with 482 Cr.P.C., without any further reference to this court. The petitioner is directed to attend the trial without a single default.***

7. 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.

8. *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 and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

Trial be expedited.

**(ANOOP CHITKARA)
JUDGE**

**07.09.2022
Jyoti-II**

Whether speaking/reasoned:	Yes
Whether reportable:	No.