

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43230-2022 (O&M)
Date of Decision:-19.9.2022

Harwinder Kaur Minty ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. manit Malhotra, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking cancellation of regular bail granted to respondent No.2 in respect of a case registered vide FIR No.121, dated 24.5.2017, Police Station Sadar, Jalandhar, under Sections 323, 341, 201, 379-B of Indian Penal Code and Sections 66 of I.T. Act, 2000.
2. Learned counsel for the petitioner submits that respondent No.2 despite having been granted bail and having furnished bail bonds/surety bonds before the Trial Court, is not abiding by the conditions of the bail bonds/surety bonds and has been absenting before the Trial Court. Learned counsel, in this regard, has drawn the attention of this Court to order dated 1.9.2022 (Annexure P-5) passed by learned Judicial Magistrate 1st Class, which shows that respondent No.2-Sukhwinder Kumar @ Sheru is recorded

to be 'absent' and consequently the Trial Court has issuedailable warrants for securing presence of respondent No.2-Sukhwinder Kumar @ Sheru.

3. Having heard the learned counsel for the petitioner, this Court need not emphasise that it is within the discretion of the Court to issue summons,ailable warrants or non-ailable warrants upon finding that any accused is absent. It is, however, clarified that the mere fact that respondent No.2-Sukhwinder Kumar @ Sheru had been granted bail by this Court, will not operate as any kind of bar in case the Trial Court is of the opinion that the bail is required to be cancelled.
4. The instant petition stands disposed off accordingly.

19.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No