

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

Saroj Devi

...Petitioner

Versus

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

At the very outset, on oral request of counsel for the petitioner, State of Haryana is impleaded as respondent No. 2.

Counsel for the petitioner is directed to file amended memo of parties in the Registry and also to supply copy of paper book to learned State counsel, during the course of the day.

By way of present petition, petitioner seeks quashing of order dated 25.04.2022 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Jagadhri, Yamuna Nagar, whereby regular bail of the petitioner is cancelled and bail bonds are forfeited to the State, due to non appearance of the petitioner on date fixed before trial Court and subsequently petitioner has been declared proclaimed person vide impugned order dated 20.09.2022.

Learned counsel for the petitioner submits that in the matter of Negotiable Instruments Act, petitioner has appeared before the trial Court after issuance of the summoning order and was granted bail. Thereafter, on account of lack of communication, petitioner could not acknowledge the correct date of appearance, therefore, his bail was cancelled vide order dated 25.04.2022 and resultantly, warrants of arrest were issued.

Learned counsel for the petitioner submits that petitioner is a household lady and is not well conversant with the proceedings of the Court. After knowing of the fact that her bail has been cancelled and order of proclaimed person has been passed, without much delay, petitioner has approached this Court for affording an opportunity again to join the Court proceedings. Counsel further prays that if one chance for appearance is given, subject to the payment of costs, petitioner is ready to join the proceedings before learned trial Court.

Notice of motion for respondent No. 2 (State of Haryana), only.

On asking of the Court, Mr .Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State. He opposes the request of the petitioner by submitting that after getting the bail, petitioner has misused the concession granted and proceedings of the Court were also at fault because of her conduct. Therefore, no leniency should be shown by granting her any more chance.

Since it is the matter of issuance of warrants of arrest, this Court does not deem it necessary to hear respondent No. 1-HDFC Bank Ltd.

Heard learned counsel for petitioner and respondent-State.

Undoubtedly, petitioner does not deserve any leniency, but same would not serve purpose of either side as already matter is pending before the Court without any proceeding. Otherwise also, paramount consideration of the Court is to secure presence of the accused on each and every date, so that trial is completed at the earliest.

In view of the circumstances discussed here-in-above, I am of the considered opinion that subject to the payment of some cost, petitioner could be granted one opportunity to appear before the Court and on his appearance, he be released on bail also.

Accordingly, present petition is **allowed**. Petitioner is directed to appear before the learned trial Court within 10 days from today and furnish an undertaking that she would not repeat such default and would join Court proceedings on each and every date, except with prior permission of the court.

Therefore, it is further ordered that in case petitioner appears before the learned trial Court within time given, she would be released on bail, subject to furnishing bail/surety bonds to the satisfaction of the Court concerned.

However, this order shall be subject to payment of an amount of Rs.10,000/- as costs, to be deposited with the Member Secretary, District Legal Services Authority, Yamuna Nagar.

Needless to mention here that once petitioner complies with the conditions detailed here-in-above, impugned order dated 25.04.2022 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Jagadhri, would become inoperative qua petitioner.

Disposed of.

17.10.2022
Riya

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No