

CRM-M-55846-2022

Date of decision: 05.12.2022

Rupali Sahu @ Rupali Pitt

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Mr. Naveen Bawa, Advocate
for the petitioner.**NAMIT KUMAR, J. (ORAL)**

Petitioner has filed this petition under Section 482 Code of Criminal Procedure for quashing of impugned order dated 11.10.2022 (Annexure P-3) passed by the SDJM, District Ludhiana, whereby, while cancelling her bail, the bail bonds and surety bonds were also ordered to be forfeited and non-bailable warrants of arrest and notice to surety have been issued on account of her absence on 11.10.2022. The impugned order arises from trial proceedings of case FIR No.115 dated 21.10.2019 (Annexure P-1) registered under Sections 420/120-B of IPC registered at Police Station Payal, Police District Khanna District Ludhiana.

Learned counsel for the petitioner contends that the petitioner was already on regular bail and thereafter, she kept on appearing before the trial Court regularly, however, on 11.10.2022, the petitioner was absent as she has noted down the wrong date i.e. 12.10.2022 instead of 11.10.2022 and the Court proceeded to cancel her bail and issued the non-bailable warrants for 24.11.2022. He further submits that the petitioner is ready and willing to join the trial proceedings and undertakes to be present in Court on each and every date.

Notice of motion.

At this stage, Mr. Ravinder Singh, AAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on bail and had been appearing before the trial Court.

A perusal of the order dated 11.10.2022 (Annexure P-3) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non appearance before the trial Court is justified and therefore, the same is accepted.

Considering the above sequence of events, the impugned order 11.10.2022 (Annexure P-3) is set aside subject to appearance of the petitioner before the trial Court on or before 14.12.2022 and subject to payment of Rs.10,000/- as costs to be deposited with the District Legal Services Authority, Ludhiana. On her appearance, she shall be released on bail by the trial Court and she is allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 11.10.2022 would remain intact.

The petition is disposed off in above terms.

05.12.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No