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

CRM-M-58170-2022 (O&M)

Date of decision : 13.12.2022

Chhoti Kumari and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hitesh Verma, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 18.07.2022 (Annexure P-5) passed by the Additional Sessions Judge, Ludhiana, vide which, the bail orders of the petitioners were cancelled and bail bonds and surety bonds were ordered to be cancelled and forfeited to the State and non-bailable warrants have been issued against the petitioners.

Learned counsel for the petitioners has submitted that in the present case, an FIR was registered against unknown persons and subsequently, the petitioners were made accused in the present case and the matter was amicably settled and petitioner Nos.1 to 3 were granted regular bail vide order dated 22.02.2022 (Annexure P-2) in which factum

with respect to compromise was noticed by the Additional Sessions Judge, Ludhiana and petitioner No.4 was granted anticipatory bail vide order dated 24.01.2022 (Annexure P-3). It is further submitted that all the accused persons were present at the time when the charges were framed but the petitioners could not appear on 18.07.2022 as they had gone to the native place at Bihar for their personal work and family function and they had informed their counsel but the counsel did not file any application for exemption from their personal appearance before the Court. It is contended that on 18.07.2022, no witness of the prosecution was present and thus, no delay has been caused on account of absence of the petitioners on the said date. Learned counsel for the petitioners has also submitted that the petitioners would appear within a period of three weeks from today before the trial Court as the next date of hearing before the trial Court is 08.03.2023, in case, they are granted protection and for the loss caused to the complainant, they are also ready to pay Rs.16,000/- (Rs.4000/- each) to the complainant and they would also give an undertaking to the trial Court that they would appear before the trial Court on each and every date unless their personal appearance is specifically exempted by the Court.

On the other hand, learned State Counsel has opposed the present petition and has submitted that the petitioners were well aware of the proceedings and on 18.07.2022, the non-appearance of the petitioners was intentional and thus, the impugned order had rightly been passed.

This Court has heard the learned counsel for the parties and

has perused the record.

The petitioners were not named in the FIR and were subsequently made as accused and petitioner Nos.1 to 3 were granted regular bail vide order dated 22.02.2022 and a perusal of the said order would show that the factum with respect to the compromise was noticed by the Additional Sessions Judge, Ludhiana. Petitioner No.4 was granted anticipatory bail on 24.01.2022. On the date when the charges were framed i.e. on 22.04.2022, all the accused persons were present. It is the case of the petitioners that thereafter on 18.07.2022, the petitioners had not appeared on account of the fact that they had gone to their native place in Bihar for their personal work and family function. A perusal of order dated 18.07.2022 would show that no witness of the prosecution was present on the said date.

Learned counsel for the petitioners has already submitted that the petitioners have undertaken to appear before the trial Court within a period of three weeks from today and to also appear on each and every date before the trial Court unless their personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the order dated 18.07.2022 (Annexure P-5) is set aside subject to the petitioners appearing before the trial Court within a period of three weeks from today and on their appearance, the trial Court is ordered to release the petitioners on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

The same would also be subject to the petitioners depositing an amount of Rs.16000/- (Rs.4000/- each) within the stipulated time with the trial Court, which would be paid to the complainant by the trial Court and would also be subject to the petitioners giving an undertaking to the trial Court that they would appear before the trial Court on each and every date unless their personal appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

13.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No