

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60231-2022

Date of Decision:22.12.2022

REENU TIWARI

..... Petitioner

Versus

PRIYANKA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Jasneet Mehra, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 16.12.2022 (Annexure P-3) passed by JMIC, Sirsa whereby petitioner has been declared Proclaimed Person in case No.NACT/64/2021 dated 03.02.2021 under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner *inter alia* contends that petitioner was not aware of proceedings initiated against her because respondent had mentioned wrong address of the petitioner in the complaint. The petitioner never received bailable or non-bailable warrants. The petitioner at the time of proceedings pending before Trial Court was pregnant and undergoing treatment from Dr. Ram Manohar Lohia, New Delhi. The petitioner has delivered a male child after major surgery on 05.08.2022 at Dr. Ram Manohar Lohia, New Delhi. The petitioner is not involved in any other FIR. The amount of cheque

involved in Rs.26,357/-. The lapse was unintentional and the petitioner undertakes to appear on each and every date.

Notice of motion.

On the asking of Court, Mr.G.G.S. Rai, DAG, Haryana accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i. The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus ,his presence would meet ends of justice;
- ii. The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iii. Petitioner has undergone surgery on 05.08.2022;
- iv. The petitioner is accused of commission of bailable and compoundable offence;
- v. The amount of cheque involved is Rs.26,357/-;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before learned Trial Court on or before 10.01.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing bail bonds.

Disposed of in above terms.

22.12.2022

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(JAGMOHAN BANSAL)
JUDGE

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