

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114)

CRM-M-332-2023

Date of Decision: 06.01.2023

Rajinder Kaur & others

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Umesh Aggarwal, Advocate for the petitioners.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for setting aside the order dated 16.12.2022 (Annexure P-1) passed by the learned Addl. Sessions Judge, Amritsar, whereby the bail/surety bonds of the petitioners were forfeited on account of their non-appearance on 16.12.2022 in case FIR No.66 dated 16.9.2018 registered under section 395 IPC and section 25 of Arms Act (sections 450, 397, 307, 412, 411 IPC and sections 27, 54, 59 of Arms Act were added later on) at Police Station, D Division, District Police Commissionerate, Amritsar.

Learned counsel for the petitioners submits that though the petitioners were aware about the date fixed before the Trial Court, however, petitioner no.2 was critically ill and she had to be rushed to P.G.I., Chandigarh and petitioners no.1 and 3 also accompanied her due to which they were not in a position to inform their counsel about their inability to appear before the court. It is submitted that due to the unavoidable circumstances, petitioners could neither appear nor file application for exemption from personal appearance. Counsel submits that petitioners have never misused the concession of bail granted to them by the learned Trial Court, however, their absence on 16.12.2022 was totally unintentional and

for bonafide reason. Counsel further submits that petitioners would be cautious enough in the future and would abide by the terms and conditions of the bail granted to them.

Notice of motion.

On the asking of the Court, Ms. Ishma Randhawa, Addl. A.G., Punjab accepts notice on behalf of respondent-State.

After hearing counsel for the parties and perusing the record, this court finds that the petitioners have been regularly appearing before the Trial Court on all the dates, however, on 16.12.2022 they remained absent on account of critical medical condition of petitioner no.2.

In view of the above position, this court is of the opinion that the impugned order dated 16.12.2022 (Annexure P-1) deserves to be set aside subject to payment of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioners. Petitioners are directed to surrender before the learned Trial Court and on doing so, the learned Trial Court would grant them bail subject to their furnishing fresh bail/surety bonds to its satisfaction. Petitioners are also directed to furnish receipt of costs of Rs.10,000/- at the time of surrender before the learned Trial Court.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

06.01.2023

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