

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

**CRM-M-2359-2023
Date of Decision : 20.01.2023**

Resham Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Mohit Garg, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.1 dated 11.01.2017, registered under Sections 498-A, 420 IPC, at Police Station NRI, Kapurthala, District Kapurthala.

The petitioner was facing trial in the said case. Charges were framed as far back on 10.01.2018 under Section 498-A IPC. The petitioner could not appear before the trial Court on 20.10.2022 as a result of which her bail was cancelled and non-bailable warrants were issued to secure her presence. She filed an application for the grant of anticipatory bail which was allowed by the Addl. Sessions Judge, Kapurthala on 30.11.2022 and granted 10 days time to the petitioner to surrender before the trial Court. As the petitioner could not surrender within the stipulated time, an application for extension of time was moved which was also allowed by the Addl. Sessions Judge, Kapurthala on 12.12.2022 and 10 more days were granted. The petitioner surrendered before the trial Court and filed an application for the grant of bail which was dismissed but time was granted to the petitioner to approach the higher Court. The petitioner approached this

Court in a petition under Section 438 Cr.P.C. but withdrew the same on 02.01.2023 with liberty to approach the Court of Sessions. The Addl. Sessions Judge, Kapurthala has now dismissed the bail application filed by the petitioner vide order dated 09.01.2023.

Notice of motion.

On the asking of the Court, Mr. Arjun Sheoran, DAG, Punjab accepts notice on behalf of the respondent-State. Mr. R.K.Chandhan, Advocate has filed power of attorney on behalf of the complainant. The same is taken on record. The Registry is directed to place it at an appropriate place on the case file.

I have heard learned counsel for the parties.

Admittedly, the petitioner was on bail in the present case and could not appear before the trial Court on 20.10.2022. There is nothing on record to suggest that the petitioner is a persistent defaulter. The primary reason given by the trial Court for cancelling the bail of the petitioner was that the petitioner chose not to appear in an old case with a view to delay the same. The petitioner has been running from one Court to the other right from October, 2022. By this time, the main case itself could very well have been decided.

Be that as it may, without commenting any further on the merits of the issue, the present petition is disposed of with a direction to the petitioner to appear before the trial Court on the date fixed which is stated to be 23.01.2023. On her appearing before the trial Court, she shall be released on bail by the trial Court to its satisfaction.

(VIKRAM AGGARWAL)
JUDGE

20.01.2023
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No