

2023:PHHC:085931

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

CRM-M-11260-2023

Date of Decision: 07.07.2023

KAMALJIT KAUR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Krishan Kanha, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the orders dated 11.10.2022, Annexure P-4 and 31.01.2023, Annexure P-8 passed by the learned trial Court.

2. It is submitted that the petitioner has been arraigned as an accused in the case bearing FIR No. 0076 dated 14.05.2018 under Sections 376, 120-B IPC and Sections 3 and 4 of the POCSO Act registered at Police Station Shahkot, District Jalandhar. The petitioner was granted anticipatory bail in terms of the order dated 05.09.2019 passed by the Coordinate Bench of this Court in CRM-M-26405-2018. The petitioner had been regularly appearing the the trial Court. However, on account of miscommunication of date of hearing, the petitioner absented from the proceedings on 11.10.2022 and consequently the bail and surety bonds were cancelled and forfeited to the State and warrants of her arrest have been issued. Subsequently, the petitioner has been declared as proclaimed person in terms of the order dated 31.01.2023. The petitioner is ready and willing to surrender before the trial Court and face trial and meanwhile, she may be protected.

3. Learned State counsel has placed on record status report by way of affidavit of Gurpreet Singh, Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) and submits that the co-accused, namely, Jaswant Singh has been convicted and sentenced in terms of the order dated 13.02.2020. However, he submits that he has no objection if appropriate orders are passed to ensure the presence and participation of the petitioner during the course of trial.

4. In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court within a period of two weeks and shall move an appropriate application for regular bail. In the event of her doing so, the impugned order will not be given effect. It is further directed that in the event the petitioner surrenders before the trial Court within a period of two weeks and moves an application for regular bail, her arrest may not be effected till disposal of the bail application and for a period of two weeks thereafter in the event, the bail application is dismissed.

5. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

6. Disposed of.

07.07.2023
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(VIVEK PURI)
JUDGE

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