

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-15158-2021

Date of decision : 01.05.2023

Babita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Mohak Arora, Advocate, for
Mr.Manish Soni, Advocate, for the petitioner.

Ms.Aditi Girdhar, AAG, Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 482 Cr.P.C the petitioner seeks setting aside of order dated 23.03.2021 passed by the Additional Sessions Judge, Gurugram (for short, the trial court) through which the petitioner's bail was cancelled and non-bailable warrants were issued to procure her presence in her trial.

(2) On 05.04.2021 this Court had passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner, who is charged only under Section 216 IPC, which is a bailable offence, has been appearing before the Trial Court on each and every date fixed in her trial, unless specifically exempted and that on 23.03.2021 also she had duly sought exemption from her appearance; the Trial Court erred in issuing of non-bailable warrants even before issuance of bailable warrants and that the petitioner undertakes to appear before the Trial Court on a date to be allocated by this Court as also on each and every date in her trial in the future.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and prays for time to file reply/argue the matter.

Adjourned to 22.07.2021.

Subject to payment of Rs.5,000/- as costs to be deposited with the Haryana State Legal Services Authority, Gurugram, on appearance before the Trial Court, the petitioner be admitted to ad-interim bail to the Trial Court's satisfaction.”

(3) It is not disputed that in pursuance to the afore quoted order the petitioner appeared before the trial court and was admitted to interim bail on

02.07.2021 to the trial court’s satisfaction as also that thereafter on all dates in her trial she has dutifully appeared.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order of this Court and because the petitioner has shown her *bonafides* by not only putting in appearance before the trial court in pursuance to the liberty granted to her but has also continued to appear in her trial on all subsequent dates, this Court is of the opinion that the trial court may now consider making the petitioner’s interim bail granted to her on 02.07.2021 as absolute, in accordance with law.

01.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No