

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

(210)

CRM-M-41877-2023

Date of decision: - 01.09.2023

Sheetal Angural

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Gagandeep Jammu, Advocate,
Mr. Prateek Sodhi, Advocate and
Mr. Manoj Singh, Advocate, for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

Mr. Pankaj Bains, Advocate
for Mr. Manit Malhotra, Advocate, for the victim.

VIKAS BAHL, J. (ORAL)

1. This is a first petition under Section 482 Cr.P.C. for quashing/setting aside of order dated 10.08.2023 (Annexure P-4) passed by the trial Court, whereby the bail bonds/surety bonds of the petitioner have been forfeited on account of his non-appearance on 10.08.2023 in FIR No.63 dated 18.05.2017, registered under Section 67 of the Information Technology Act (Sections 341 and 149 IPC have been added later on), at Police Station Division No.6, District Police Commissionerate, Jalandhar.

2. On 23.08.2023, this Court was pleased to pass the following order:-

“Learned Senior Counsel for the petitioner inter alia contends that with respect to appearance on 10.08.2023, an application for exemption from personal appearance was filed by the petitioner since the petitioner had some urgent piece of work in Vidhan Sabha. It is submitted that on earlier occasions, exemption application filed by the petitioner had been allowed. It is argued that the primary reason on account of which the impugned order had been passed against the petitioner was that the petitioner had not submitted his passport in spite of the orders passed by the Court and with respect to that, learned counsel for the petitioner has stated that the petitioner would submit his passport before the trial Court on 24.08.2023 which is the next date of hearing before the Court. It is further submitted that the petitioner would appear on 24.08.2023 and would also file an undertaking that he would appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court. It is thus, prayed that the petitioner be granted interim protection.

Notice of motion.

Mr. Ferry Sofat, Addl. A.G. Punjab, appears and accepts notice on behalf of the State and Mr. Manit Malhotra, Advocate appears on behalf of the complainant and has submitted that since, the petitioner had not appeared on several dates, thus, undue harassment has been caused to the complainant-Harvinder Kaur @ Minty and thus, at any rate, the petitioner should be directed to compensate the complainant.

Adjourned to 01.09.2023.

To be taken up at 12:00 pm.

The petitioner is directed to appear before the trial Court on 24.08.2023 and also submit his passport on the said date and also file an undertaking before the trial Court that he would appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court and would cooperate with the Court and on his complying with the said three conditions, he would be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The petitioner is also directed to pay an amount of

Rs.25,000/- to the complainant-Harvinder Kaur @ Minty as compensation on account of harassment caused to the complainant within a period of one week from today.

It is made clear that in case the abovesaid conditions are not complied with, within the stipulated period, then the present interim order would be liable to be vacated.”

3. Learned Senior counsel for the petitioner has referred to the order dated 24.08.2023 passed by the Chief Judicial Magistrate, to show that in pursuance of the order passed by the High Court, the petitioner has complied with all the conditions and has been released on interim bail. The relevant portion of the order dated 24.08.2023 is reproduced herein below: -

“As the accused complied all the above said three conditions as per the Hon'ble High court, so he is ordered to be released on interim bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount. Requisite Bail bonds and surety bonds furnished in the shape of FDR, which are accepted and attested. Intimation be sent to the concerned Bank regarding non releasing the FDR without order of the Court.

Now, case is adjourned to 08.09.2023 for evidence of prosecution. All remaining unexamined PWs be summoned for the date fixed.

Date of Order: 24.08.2023

*(Amit Kumar Garg)
Chief Judicial Magistrate
UID No.PB00260”*

4. Keeping in view the above facts and circumstances, more so, the fact that the petitioner in pursuance of the order dated 23.08.2023 passed by this Court has complied with all the conditions, as noticed in the order dated 24.08.2023 passed by the Chief Judicial Magistrate, the present petition is allowed and the interim order dated 23.08.2023 is made

absolute.

5. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application

September 01, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No