

CRM-M-49303-2022

Date of decision: 21.02.2023

USHA RANI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Mittal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 29.09.2022 passed by the Court of learned Additional Sessions Judge, Karnal vide which on account of her absence, during the course of proceedings, her bail was cancelled, bail bonds were forfeited to the State, warrants of arrest were issued against her and notice was issued to her surety as well as identifier.

Learned counsel for the petitioner contends that the petitioner is facing trial in the case bearing FIR No.475 dated 06.11.2015, under Sections 148/149/323/324/326 & 506 IPC and Section 3(1)(5)(10) of SC & ST Act, registered at Police Station Indri, District Karnal. The petitioner is regularly appearing in the trial Court and it was the first default on the part of the petitioner. The petitioner had to urgently go out of station and an application for exemption from personal appearance was also moved. However, the request for exemption was declined and the bail order of the petitioner was cancelled. He further contends that the petitioner has appeared before the trial Court and joined the proceedings as the operation of the impugned order was stayed in terms of order dated 21.10.2022 passed by the Co-ordinate Bench of this Court. The next date of hearing in the trial Court is stated to be 07.03.2023. It has been submitted

that the petitioner shall move an application for regular bail in the trial Court and meanwhile, she may be protected.

Learned State counsel though has not opposed the limited prayer made by the learned counsel for the petitioner but has argued that on the date when the petitioner had absented from the proceedings, 02 witnesses were present but they could not be examined on account of non-appearance of the petitioner. Furthermore, the case in the trial Court is in the category of the action plan.

Be that as it may, the present petition is disposed of with a direction that the petitioner shall move an application for regular bail in the trial Court on or before 07.03.2023 and the same shall be disposed of by the trial Court in accordance with law. However, the arrest of the petitioner may not be effected till the disposal of the bail application and for a period of 02 weeks, thereafter, in the event, the bail application is dismissed by the learned trial Court. Furthermore, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and her surety.

21.02.2023

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(VIVEK PURI)
JUDGE

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