

253 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49079-2022

Date of Decision: 21.02.2023.

SIMRANJIT KAUR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.G.B.S.Dhillon, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Rahul Kumar, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner has assailed the order dated 12.10.2022, Annexure P-1, passed by the trial Court in the case bearing FIR No. 00196 dated 18.12.2019 registered at Police Station Cantonment, District Amritsar, vide which her warrants of arrest and notice to surety have been issued.

Learned counsel for the petitioner contends that the petitioner is facing trial as an accused in the aforesaid case. The petitioner has instituted a petition bearing CRM-M-2482-2020 for quashing of the aforesaid FIR, wherein, notice of motion has been issued and furthermore in terms of the order 24.11.2021, it was directed that the trial Court shall adjourn the case beyond the date fixed. The case in this Court was adjourned for 28.01.2022. The case was, thereafter, taken up on 10.10.2022 and the interim order was directed to continue till the next date of hearing. Meanwhile, the learned trial Court in terms of the impugned order dated 12.10.2022 had issued non-bailable warrants of the petitioner on account of her non-appearance. Although, on 10.10.2022, the interim directions were ordered to continue, but it has been submitted that on account of non-availability of the copy of the order, the same could not be produced before the Court.

Learned State counsel and counsel for the complainant have opposed the prayer on the score that though the directions were issued to the trial Court to adjourn the case beyond the date fixed, but there was no order

exempting the personal appearance of the petitioner in the trial Court. The next date of hearing in the trial Court is stated to be 27.02.2023.

Be that as it may, no effective hearing was to take place on 12.10.2022 in view of the interim directions issued by this Court in CRM-M-2482-2020.

The learned counsel for the petitioner further submits that the petitioner will regularly appear before the trial Court on each and every date of hearing as the interim directions issued by this Court in the connected matter are only to adjourn the matter in the trial Court until and unless her personal appearance is exempted by the competent Court. The petitioner has been granted regular bail in terms of the order dated 17.02.2020 passed in CRM-M-6018-2020. In terms of the impugned order, non-bailable warrants of the petitioner and notice to surety have been issued. As such, the ends of justice will meet, if the impugned order is set aside and further the petitioner is directed to appear in the trial Court.

In these set of circumstances, the impugned order dated 12.10.2022 is set aside and the petitioner shall appear in the trial Court on or before 27.02.2023 and on her doing so, she will furnish fresh bail bonds in terms of the order dated 17.02.2020 passed in CRM-M-6018-2020. It is made clear that this order will not provide any leverage to the petitioner to absent from the proceedings without getting her personal appearance exempted from the competent Court, in accordance with law.

In the aforesaid terms, the petition is allowed.

21.02.2023
smriti

(VIVEK PURI)
JUDGE

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