

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

109

CRM-M-47824-2023

Date of decision: 21.09.2023

Kulwant Kaur Dhillon

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prabhdeep Singh Toor, Advocate, for the petitioner.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case CIS NACT/227/2021 dated 03.05.2021, under Section 138 of Negotiable Instruments Act, 1881.
2. Learned counsel contends that the petitioner had been granted regular bail by the trial Court vide order dated 04.08.2022, whereafter, the matter was referred to Lok Adalat for exploring the possibility of compromise, which could not be arrived at between the parties. The petitioner was unable to appear on 21.10.2022 on account of the fact that she was suffering from depression as she had lost her husband, and thus was not aware about the date of hearing. Consequently, her bail was cancelled and bail and surety bonds were forfeited to the State and non-bailable warrants were issued for 02.03.2023. She had two daughters and one son to look after and therefore, was not in a position to attend the Court proceedings. The absence of the petitioner is neither wilful nor deliberate. Further that she is ready and willing to surrender before the Court and join the proceedings.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab, who has appeared on receipt of advance copy of the petition, opposes the same by submitting that the order has been rightly passed by the trial Court on account of non-appearance of the petitioner.

5. Having heard the learned counsel for the parties and keeping in view the facts and circumstances of the case, the present petition is disposed of with a direction that in case the petitioner surrenders and files an application before the trial Court for regular bail on or before 09.10.2023, she shall be released on bail on the same bail/ surety bonds as had been furnished by her at the time for grant of regular bail and the trial Court shall do so subject to its satisfaction. She is also directed to furnish an undertaking by way of an affidavit that she will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. She shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

6. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

21.09.2023

Ankur

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No