

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

**CRM-M-60680-2023 (O&M)
Date of decision-04.12.2023**

Rajwinder Kaur and another

...Petitioners

Vs.

State of Punjab

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Umesh Aggarwal, Advocate for the petitioners.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioners have approached this Court under Section 482 Cr.P.C. praying for setting aside the order dated 26.09.2023 (Annexure P-4) passed by the learned Additional Chief Judicial Magistrate, Amritsar whereby bail order dated 04.09.2020 (Annexure P-1) has been cancelled and bail bonds/surety bonds of the petitioners were forfeited on account of the non-appearance on 26.09.2023 in FIR No.250, dated 25.12.2018, registered under Sections 420, 465, 466, 467, 468, 471 and 120-B of Indian Penal Code, 1860 registered at Police Station Sadar, Amritsar.

2. Learned counsel for the petitioners *inter alia* contends that on 26.09.2023, the petitioners could not appear before the learned trial Court at Amritsar as both the petitioners were suffering with Chikungunya Viral Fever. Therefore, the trial Court cancelled the bail order dated 04.09.2020

passed by this Court without issuing any notice to the petitioners. The medical record of the petitioners dated 25.09.2023 is annexed with the petition as Annexure P-3. Ultimately, the learned trial Court cancelled the bail of the petitioners and forfeited bonds/surety bonds to the State vide impugned order dated 26.09.2023. As such, the petitioners were summoned through non-bailable warrants for 27.10.2023. It is further contended that non-appearance of the petitioners before the learned trial Court on 26.09.2023 was neither intentional nor willful but was on account of suffering from Chikungunya Viral Fever, therefore, prays for setting aside of the order dated 26.09.2023. The petitioners are ready to join proceedings and undertakes to be remained present on each and every date of hearing.

3. Notice of motion.

4. Ms. Navreet Kaur Barnala, AAG, Punjab accepts notice on behalf of respondent-State.

5. With consent of the parties, the case is taken up for final disposal.

6. A perusal of the case file would reveal that the petitioners herein had failed to appear before the learned trial Court on 26.09.2023 as they were suffering from Chikungunya Viral Fever. The petitioners despite suffering from Chikungunya Viral Fever did not file any application seeking exemption from personal appearance. The medical record annexed with instant petition as Annexure P-3 clearly shows that the petitioners were suffering from Chikungunya Viral Fever on 25.09.2023, i.e. one day prior to the date fixed before the Court. Moreover, the petitioners are ready to join

the proceedings and further undertake to attend court proceedings on each and every date.

7. In view of the aforesaid facts and circumstances, the impugned order dated 26.09.2023 (Annexure P-1) is set aside. The petitioners are directed to surrender before the trial Court on or before 18.12.2023 and apply for grant of regular bail. On their doing so, the Court concerned shall admit them to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of Rs.10,000/- for wasting precious time of the Court to be deposited with the District Legal Services Authority, Amritsar.
8. Needless to say, in case the petitioners fails to comply with the abovesaid direction, the order passed by this Court today shall stand automatically vacated.
9. The instant petition stands allowed in above terms.

(HARPREET SINGH BRAR)
JUDGE

04.12.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No