

CRM-M-62209-2023

2023:PHHC:159275

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127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62209-2023

DATE OF DECISION:-11.12.2023

Saloni

...Petitioner.

VS.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 12.10.2023 passed by the Court of learned Judicial Magistrate Ist Class, Bhiwani, whereby the bail of the petitioner was cancelled, besides, forfeiture of bail bonds and surety bonds, followed by issuance of non-bailable warrants against her.

2. Briefly stating, the petitioner was implicated in FIR No.162, dated 03.06.2020, under Sections 420, 406, 506 and 34 IPC, registered at Police Station Bawani Khera, District Bhiwani, wherein she was granted the concession of regular bail vide order dated 15.03.2021 passed by learned Additional Sessions Judge, Bhiwani and since then she has been regularly appearing before the Trial Court, but for 12.10.2023, when on account of her appearance before the Court of CJM, Kurukshetra in some other case she absented herself, resulting into passing of the order dated 12.10.2023.

In other case at Kurukshetra, the petitioner was convicted vide judgment dated 16.10.2023 (Annexure P-5) and later on was granted the concession of suspension of sentence by the learned Additional Sessions Judge, Kurukshetra vide order dated 08.11.2023 (Annexure P-6).

4. Learned counsel for the petitioner submits that the non-appearance of the petitioner before the Trial Court on 12.10.2023 was not intentional, but has occurred on account of her appearance before the CJM Kurukshetra in an appeal arising out of FIR No.136 dated 03.06.2020 and thus, prays for permission to appear before the Trial Court and to submit her fresh bail/surety bonds.

5. Notice of motion.

6. Mr. Krishan K. Chahal, Addl. A.G., Haryana, who is present in Court accepts notice on behalf of respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

7. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

8. The non-appearance of the petitioner before the Trial Court on 12.10.2023 appears to be unintentional, bonafide and for the reasons beyond her control.

9. In view of the above, the petition is allowed. Order dated 12.10.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from today and furnish her fresh bail/surety bonds, which shall be accepted, subject to verification. The petitioner shall also file an affidavit that she will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

11.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No