

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-6 of 2024
Date of Decision:02.01.2024

Anita Kumari

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Nikhil Chopra, Advocate,
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. In the present case, the petitioner is asking for quashing of order dated 07.08.2023 (Annexure P-3) passed by the learned Judicial Magistrate 1st Class wherein the surety bonds furnished by the petitioner stood cancelled.
2. Learned counsel for the petitioner contends that one opportunity be granted to the petitioner to furnish fresh bail bonds and surety bonds in a complaint case filed by the husband of the petitioner.
3. A perusal of the impugned order (Annexure P-3) shows that the surety bonds furnished by the petitioner were cancelled and the petitioner was directed to furnish fresh bail bonds and surety bonds on 04.09.2023. On

04.09.2023 exemption application from personal appearance of the petitioner was moved by the counsel for the petitioner due to the reason that the child of the petitioner was not well. The application was rejected on the ground that no medical was attached and theailable warrnats of the petitioner were issued for 07.10.2023. On 07.10.2023 since as per the report of the Ahlmad, theailable warrants issued against the petitioner received back unexecuted, non-ailable warrants were issued for 30.10.2023 vide order dated 07.10.2023. Further on 30.10.2023 again for the reason that non-ailable warrants of the petitioner received back unexecuted, fresh non-ailable warrants were issued through the Commissiner of Police, Jalandhar for 30.11.2023 vide order dated 30.10.2023. Vide order dated 30.11.2023 it was held that since non-ailable warrants of the petitioner received back unexecuted the presence of the petitioner could not be procured through ordinary manners and the petitioner was served through proclamation to be affixed on 15.12.2023 and the appearance of the petitioner was awaited for 15.01.2024.

4. Bare reading of all the orders mentioned above shows that the learned Judicial Magistrate Ist Class, without appreciation of the fact that Annexure P-1 i.e. the complaint under Sections 295-A, 298, 406 and 506 IPC is the outcome of matrimonial dispute, without giving opportunity of being heard, has passed such kind of orders against the petitioner as if she is a hardcore criminal. Such kind of orders are not expected from a Judicial Officer in complaint cases arising out of matrimonial dispute.

5. In view of the above observation, order dated 07.08.2023

(Annexure P-3) is hereby set aside. The petitioner is granted one opportunity to furnish personal bond to the tune of Rs.50,000/- through her counsel.

6. Disposed of accordingly.

(SUDEEPTI SHARMA)
JUDGE

January 02, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No