

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

(128)

CRM-M-1230-2024
Date of Decision:-11.01.2024

Rosy Jain

.....Petitioner

Versus

Punjab National Bank

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of the order dated 05.12.2023 (Annexure P-2), passed by learned Judicial Magistrate 1st Class, Malerkotla, whereby, the bail granted to the petitioner was cancelled on account of her absence on the said date.
2. Subsequently, non-bailable warrants have also been issued and now the matter is fixed for 22.01.2024 before the trial Court.
3. Notice of motion.
4. Mr. Teginder Singh, Advocate appears and accepts notice on behalf of the respondent and has vehemently opposed the grant of any relief to the petitioner on the ground that the petitioner is procrastinating the trial.
5. *Per contra*, learned counsel for the petitioner submits that the matter was fixed for statement of the accused under Section 313 Cr.P.C and no useful purpose would have been served by the absence of the petitioner as the same was detrimental to her own interest and the absence was on account of some miscommunication.

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6. Heard learned counsel for the parties.
7. Seeking detailed reply from the respondent shall only procrastinate the proceedings which are pending since 2018 and therefore, I deem it appropriate to dispose of the present petition with direction to the petitioner to surrender before the trial Court on or before 22.01.2024 and the petitioner shall be released on bail on furnishing fresh bail/surety bonds.
8. On the request of counsel for the respondent, the trial Court is also directed to expedite the trial, which is pending for almost six years by not granting any unwanted adjournments.
9. With the above said direction, the present petition stands disposed of and the order dated 05.12.2023 to the extent of cancellation of bail of the petitioner is set aside.
10. However, this order shall not be construed for non-forfeiture of the surety amount.
11. The petitioner is also put to cost of Rs.5,000/- to be deposited within one month from today in the following account:-

Account Name – Punjab and Haryana High Court

Bar Clerks Association Chandigarh.

Account No. – 65004775776

IFSC Code - SBIN0050306

Bank Name – SBI High Court Branch.

(ALOK JAIN)
JUDGE

January 11, 2024

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No