

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

143

CRM-M-3180-2024 (O&M)
Date of decision: 23.01.2024

Sukhwinder Kaur and another ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anshuman Dalal, Advocate
for the petitioners.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 482 of Cr.P.C. by the petitioners seeking quashing of order dated 12.09.2022, passed by the Judicial Magistrate First Class, Karnal, whereby the bail of the petitioners was cancelled and their bonds were forfeited in case FIR No. 66 dated 22.09.2020, registered under Sections 406, 498-A and 506 of the IPC at Women Police Station Karnal, District Karnal.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Sunita against the petitioners, who are her mother-in-law and husband, respectively. The petitioners were granted concession of anticipatory bail, vide order dated 22.10.2020, passed by the Sessions Judge, Karnal. After presentation of challan under Section 173

Cr.P.C., the petitioners were granted benefit of regular bail, vide order dated 06.11.2020, passed by the JMIC, Karnal. They were regularly appearing before the trial Court. During the course of trial, husband of petitioner No. 1 namely Madan Lal, who is father-in-law of the complainant, had died on 02.12.2021 and this fact was brought to the notice of trial Court on 19.04.2022 and the case was fixed for 12.09.2022. However, the petitioners could not appear before the trial Court on the said date because they were not aware of the date so fixed as it was co-accused Madan Lal who used to pursue the case. Consequent thereto, the bail of the petitioners was cancelled and their bonds were forfeited by passing the impugned order. After cancellation of bail, petitioner No. 1 had filed an application for grant of anticipatory bail but the same had been dismissed by the Additional Sessions Judge, Karnal, vide order dated 22.12.2023.

3. Learned counsel for the petitioners has submitted that the non-appearance of the petitioners before the trial Court on 12.09.2022 was not intentional and was only due to the reason as aforesaid. He has submitted that vide order dated 16.01.2024, the trial Court has initiated the proceedings under Section 82 Cr.P.C. by observing that the warrants of arrest issued against the petitioners were received back unexecuted. He has further submitted that the petitioners are ready to surrender before the trial Court and join the Court proceedings.

4. I have heard learned counsel for the petitioners and have perused the material placed on record. A perusal of the zimini orders placed on record by the petitioners shows that they were regularly appearing before the Court. However, they absented on 12.09.2022, consequent to which, their bail and

surety bonds have been forfeited to the State and arrest warrants have been issued against them and now proceedings under Section 82 Cr.P.C. are initiated. The petitioners have submitted that they are ready to join Court proceedings and have also undertaken that they will appear on each and every date fixed by the trial Court. Since the presence of the petitioners before the trial Court would help in speedy conclusion of trial, this Court is of the considered opinion that they deserve to be given an opportunity as claimed by them.

5. Accordingly, the present petition is disposed of. The petitioners are directed to surrender before the trial Court within a period of three days from today. On doing so, the trial Court shall release them on bail, subject to their furnishing fresh personal/surety bonds to its satisfaction. Till the appearance of the petitioners before the trial Court, their arrest shall remain stayed.

6. This order, however, will be subject to payment of costs of Rs. 10,000/-, to be deposited by the petitioners with the District Legal Services Authority, Karnal.

7. Let a copy of this order be given Dasti to learned counsel for the petitioners under the signatures of the Reader/Bench Secretary of this Court.

23.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No