

130

2024:PHHC:014099
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5269-2024

Date of decision: 01.02.2024

SABA ALAM

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Atul Ravish, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the impugned order dated 31.10.2023, which is enclosed as Annexures P-5, with the instant petition. Vide the impugned order (*supra*), the regular bail of the petitioner has been cancelled and her bonds have been forfeited to the State, besides her warrants of arrest have also been issued.

2. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful, as petitioner had been regularly appearing in the trial court proceedings. What led to the petitioner remaining unrepresented before the learned trial court on the relevant date, was that, her daughter, who is handicapped and suffering from neurological disorder, was having some severe medication condition.

3. Though the learned counsel for the petitioner has herein challenged the impugned order (*supra*), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner is

ready and willing to join the trial proceedings, in case she is granted adequate protection.

4. Relying upon an order passed by this Court, on 03.10.2023 whereby, the petitioner was granted the concession of regular bail, the learned counsel for the petitioner submits that the petitioner apprehends her arrest, in case she surrenders before the learned trial Court concerned.

5. Since the learned counsel for the petitioner is not assailing the validity of the impugned order (*supra*), therefore, the impugned order is upheld. However, in case, the petitioner surrenders before the learned trial Court concerned within 15 days from today and thereupon, makes an application for grant of regular bail, the learned trial Court concerned shall make an endeavour to decide the said application on the same day itself. The arrest of the petitioner shall remain stayed until 15 days from today. However, in case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the protection granted hereinabove *qua* her arrest shall stand automatically vacated.

6. Disposed of accordingly.

February 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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