

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6770-2024
Date of Decision : February 09, 2024

POOJA CHALANA AND ANR. -PETITIONERS

V/S

STATE OF PUNJAB AND ANR. -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Abhivadya Sood, Advocate
for the petitioners.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C, a prayer is made for quashing of the order dated 18.01.2024, whereby, the application seeking exemption from personal appearance, as preferred by the petitioners, was dismissed by the learned Magistrate concerned, and, they have been ordered to be summoned through non-bailable warrants.
2. The learned counsel for the petitioners submits that the absence of the petitioners before the learned trial Court was neither intentional nor wilful, rather was *bona fide*, as prior thereto, they had been regularly appearing in the trial court proceedings. What led to the petitioners seeking exemption from personal appearance, was that, they were indisposed on the relevant date.
3. Though the learned counsel for the petitioners has herein challenged the order dated 18.01.2024, however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioners,

who do not have any intention to flee from the clutches of law, are ready and willing to join the trial proceedings, in case they are granted adequate protection.

4. Considering the hereinabove made submissions and innocuous prayer of the learned counsel for the petitioners, though this Court does not find any illegality or perversity in the order (supra), however, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioners to appear before the learned trial Court concerned.

5. Consequently, the instant petition is disposed of with a direction to the petitioners to, within a week, appear before the learned trial Court concerned. Moreover, in case, the petitioners appear and make an application for grant of bail, the learned trial Judge concerned shall make an endeavour to decide the said application on the same day itself, while taking a sympathetic and lenient view. The arrest of the petitioners shall remain stayed only for a week from today. However, in case, the petitioners fail to appear before the learned trial Court concerned within the stipulated period, the protection granted hereinabove *qua* their arrest shall stand automatically vacated, without any further reference to this Court.

February 09, 2024
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(KULDEEP TIWARI)
JUDGE

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