

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

**CRM-M-8723-2024
DECIDED ON: 23.02.2024**

ARUNA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The Punjab and Haryana High Court Bar Association has decided to abstain from work today i.e. 23.02.2024.

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 26.05.2023, passed by ACJM, Ambala, whereby bail to the petitioner was cancelled and her bonds were forfeited to the State in FIR No.119, dated 18.02.2023, under Sections 3, 4, 5, 6, 7 and 18 of Immoral Traffic Act and under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Ambala Cantt, District Ambala, Haryana.

It has been contended in the petition on behalf the petitioner that it was only on one occasion i.e. on 26.05.2023, she could not appear before the trial Court since her brother met with a serious accident, who was admitted in hospital and she had to remain with her brother to take care of his health. However, the trial Court vide its order dated 26.05.2023 (Annexure P-2), after waiting upto 03:00 p.m. cancelled the bail of present petitioner and ordered the forfeiture of the bonds to the State. At the same time, warrants of arrest were issued against the present petitioner on the same date and subsequently thereto application seeking anticipatory bail under Section 438 Cr.P.C. also stands dismissed by the Court below vide order dated 05.10.2023 and on that account, the instant petition came to be filed in this Court.

The petitioner has undertaken vide para 11 of the petition that she is ready and willing to join the trial proceedings and will be cautious in case one opportunity is granted to her to appear before the trial Court.

In the light of factual background and the reasons for absence before the trial Court on 26.05.2023, it is evident that the petitioner could not appear before the trial Court due to some unavoidable circumstances and such absence cannot be termed to be intentional or deliberate.

In view of the statement made in para 11 of the instant petition, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

The instant petition is disposed of in the aforesaid terms.

23.02.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No