

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

119 CRM M-12056 of 2024 (O&M)
Date of Decision: 19.03.2024

Meenu Arora ...Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 17.03.2022 (Annexure P-4) passed by the Court of Judicial Magistrate 1st Class, Ludhiana, whereby, the bail bonds have been cancelled and have been ordered to be forfeited in favour of the State and notice has been issued to the present petitioner.

2. Learned counsel for the petitioner contends that the FIR in the present case was ordered to be registered on 28.08.2015. The petitioner joined the investigation and after completion of the investigation, the final report under Section 173 Cr.P.C. was presented before the competent Court on 12.11.2021. He further contends that due to Covid-19 Pandemic, the matter could not be taken up and was repeatedly adjourned. He further contends that on 17.03.2022, the petitioner could not appear before the trial Court and the trial Court

had ordered the forfeiture of bail bonds in favour of the State and notice was issued to the present petitioner. Learned counsel further contends that the petitioner is a lady aged about 55 years and was under the bonafide belief that the matter has been amicably resolved between the parties and she need not appear before the trial Court.

3. Notice of motion.

4. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner has not appeared before the trial Court since 17.03.2022 and has been evading the process of law. Learned State counsel further contends that the conduct of the petitioner disentitles her to the relief claimed in the instant petition and the petition deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the record.

7. It is apparent from the record that on 17.03.2022, the petitioner failed to appear before the trial Court without any justification. Even, the learned counsel for the petitioner failed to appear before the trial Court and no application for exemption from personal appearance was moved by the petitioner. Consequently, the bail bonds were cancelled and were ordered to be forfeited in favour of the State and notice was issued to the petitioner as well as her surety. In fact, the impugned order passed by the trial Court is

perfectly justified and this Court finds no ground to interfere with the same.

8. At this stage, learned counsel for the petitioner contends that the petitioner is a lady aged about 55 years and is a house wife. Even, she has no criminal antecedents and prayed for leniency in the matter. The prayer is allowed subject to payment of costs of Rs. 1,00,000/-, which shall be deposited in the Punjab and Haryana High Court Bar Clerks' Association within a period of 04 weeks from today.

9. On appearance, the petitioner shall be admitted to bail subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate. The petitioner shall also file an affidavit with the trial Court/Duty Magistrate that she shall appear on each and every date of hearing before the trial Court and shall not remain absent during the trial without the prior permission of the trial Court. The trial Court may also insist on two heavy local sureties and may also impose any other condition, which may be deemed fit and appropriate in the peculiar facts and circumstances of the present case.

10. The petition stands allowed in above terms.

19.03.2024		(N.S.SHEKHAWAT)
amit rana		JUDGE
Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No