

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

131 CRM-M-12903-2024  
Date of Decision : March 14, 2024

ANIVA DAS -PETITIONER

V/S

STATE OF HARYANA AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Parul Saini, Advocate  
for the petitioner.  
  
Mr. Bhupender Singh, D.A.G., Haryana.

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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 04.01.2024 (Annexure P-10), whereby, the application seeking exemption from personal appearance, as preferred by the petitioner, was dismissed by the learned Magistrate concerned. Not only this, the bail granted to her has also been cancelled and she has been ordered to be summoned through non-bailable warrants.
2. What constrained the learned Magistrate concerned to draw the order (supra), was that, despite the petitioner earlier becoming declared a proclaimed person, and, despite her subsequently being granted bail upon her making surrender, she built a habit of moving exemption applications on one or the other pretext. Such conduct of the petitioner led the learned Magistrate concerned to draw an inference that the petitioner has been voluntarily avoiding her appearance before the Court, by filing

misleading and false exemption applications.

3. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court concerned was neither intentional nor wilful, rather was *bona fide*.

4. Though the learned counsel for the petitioner has herein challenged the order dated 04.01.2024, however, she could not cite any illegality or perversity therein. Therefore, she submits that the petitioner, who does not have any intention to flee from the clutches of law, is ready and willing to join the trial proceedings, in case she is granted adequate protection. Moreover, she has further assured this Court that henceforth, except for legit, strong and compelling reasons, the petitioner will not make any application seeking exemption from personal appearance, and, will appear before the learned trial Court on every hearing.

5. Considering the hereinabove made submissions and innocuous prayer of the learned counsel for the petitioner, 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 petitioner to appear before the learned trial Court concerned.

6. Consequently, the instant petition is disposed of with a direction to the petitioner to, within 15 days from today, appear before the learned trial Court concerned and to furnish fresh bail/surety bonds to the satisfaction of the latter. In case, the petitioner appears within the above stipulated period and furnishes fresh bail/surety bonds, the learned trial Court concerned shall accept the bonds concerned and release her on bail.

The arrest of the petitioner shall remain stayed only for the next 15 days.

6. It is clarified that, in case, the petitioner fails to appear before the learned trial Court concerned within the stipulated period, the protection granted hereinabove *qua* her arrest shall stand automatically vacated, without any further reference to this Court.

March 14, 2024  
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(KULDEEP TIWARI)  
JUDGE

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