

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-14711-2024 (O&M)
Date of decision : 04.04.2024

Raj Rani

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. K. S. Phoolka, Advocate
for the applicant-petitioner.

MANISHA BATRA, J. (Oral)

1. CRM-14682-2024

Allowed as prayed for, subject to all just exceptions.

Copies of zimini orders are taken on record as Annexure
P-3 (Colly.)

2. CRM-M-14711-2024 (O&M)

The present petition has been filed under Section 482 of Cr.P.C.
by the petitioner seeking quashing of order dated 28.03.2023, passed by
learned Additional Sessions Judge, Kapurthala in Sessions Case bearing
No. SC-46-2020, titled as *State Vs Parminder Kaur*, arising out FIR
No. 0127, dated 27.08.2019, registered under Sections 363 and 366 of IPC at
Police Station Santampura, District Kapurthala, whereby the bail and surety
bonds of the petitioner had been forfeited to the State and non-bailable
warrants had been issued against her.

3. Learned counsel for the petitioner submits that the petitioner
has been arrayed as an accused in the aforesaid FIR. She was on bail and

regularly attending the Court proceedings. It is submitted that the petitioner is the resident of Rajasthan. Her husband is suffering from different medical problems and undergoing treatment in Rajasthan. The petitioner was taking care of her ailing husband, due to which, she could not appear before the trial Court on 28.03.2023, consequent to which, her bail and surety bonds of the petitioner had been forfeited to the State and non-bailable warrants had been issued against her. He further submits that the absence of the petitioner is neither willful nor deliberate and is only on account of the reason aforesaid. He submits that the petitioner is ready and willing to join the proceedings and prays that one more opportunity may be granted to her to surrender before the learned trial Court.

4. I have heard learned counsel for the petitioner and have also perused the material placed on record. A perusal of the zimini orders placed on record by the petitioner shows that on four dates of hearing, i.e. 22.12.2022, 17.01.2023, 31.01.2023 and 21.02.2023, her appearance was exempted by the trial Court on the request of her counsel. Thereafter, she appeared before the trial Court on 14.03.2023 and the case was adjourned to 28.03.2023. However, on 28.03.2023, neither petitioner nor her counsel appeared before the trial Court, as a result of which, her bail and surety bonds of the petitioner had been forfeited to the State and non-bailable warrants had been issued against her. Now, the case is fixed for 23.04.2024. The petitioner has submitted that she is willing to join Court proceedings and has also undertaken that she will appear on each and every date fixed by the trial Court. Since the presence of the petitioner before the trial Court would help in speedy conclusion of trial, this Court is of the considered opinion that she deserves to be given an opportunity as claimed by him.

5. Accordingly, the present petition is disposed of. The petitioner is directed to surrender before the trial Court on or before the next date of hearing i.e. 23.04.2024. On doing so, the trial Court shall release her on bail, subject to her furnishing fresh personal/surety bonds to its satisfaction. Till the appearance of the petitioner before the trial Court, her arrest shall remain stayed.

6. This relief, however, will be subject to payment of costs of Rs.10,000/-, to be deposited by the petitioner with the District Legal Services Authority, Kapurthala.

04.04.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>