

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

101

CRM-M-15384-2024(O&M)

Date of order: 01.04.2024

Smt. Lajwanti Devi

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, AAG Haryana.

Nidhi Gupta, J.

Present is the second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.127 dated 28.11.2020 (Annexure P1) registered under Sections 498-A, 406 and 323 IPC at Police Station Women Ambala, District Ambala.

2. Learned counsel for the petitioner inter alia submits that the petitioner is the aged mother-in-law of the complainant/respondent No.2 herein. It is submitted that general and omnibus allegations have been made against the petitioner and other accused in the present FIR, and all the allegations contained therein are false and fabricated. It is stated that the petitioner had earlier been granted bail by the learned trial Court. However, thereafter, the petitioner could not appear before the learned trial Court on 01.06.2022 as her husband was suffering from fever, vomiting, fatty liver, severe mental stress etc. Due to this non-appearance,

the learned trial Court vide order dated 1.6.2022 cancelled the bail bonds of the petitioner and issued non-bailable warrants against her; and thereafter the petitioner's application for bail was also dismissed vide order dated 23.02.2024 (Annexure P4). It is submitted that in doing so the learned trial Court failed to appreciate that the petitioner was bound to be with her husband when he was unwell. It is accordingly prayed that the petitioner be granted anticipatory bail.

3. Ld. Counsel further contends that the petitioner could not appear before the Id. Additional Sessions Judge also on account of the fact that work had been suspended by the District Bar Association, Ambala. In this regard, learned counsel refers to the zimni orders (Annexure P2).

4. No other argument is made on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in detail.

6. Perusal of impugned order dated 23.02.2024 (Annexure P4) shows that the petitioner was absent before the learned trial Court from 01.06.2022, till date of passing of impugned order i.e. 23.02.2024. Even no application for exemption from personal appearance was moved by the petitioner. It is only when the learned trial Court initiated proclamation proceedings against the petitioner on 05.02.2024 that the petitioner moved the application for grant of anticipatory bail.

7. Furthermore, perusal of zimni orders (Annexure P2) shows that order dated 01.06.2022 has not been attached therein. Even otherwise, suspension of work by the District Bar Association does not

constitute any ground not to appear and does not bar the petitioner from appearing before the learned trial Court.

8. The petitioner has clearly misused the concession of bail granted to her. In view of the above, I find no ground is made out to interfere in the impugned order dated 23.02.2024 (Annexure P4). Present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

01.04.2024		(Nidhi Gupta)
Sunena		Judge
Whether speaking/reasoned	Yes/No	
Whether reportable	Yes/No	