



CRM-M-19346-2024

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

CRM-M-19346-2024

Date of decision: 12.09.2024

SAWINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the impugned order dated 28.07.2022 (Annexure P-4) passed by learned Additional Sessions Judge, Amritsar in case FIR No.0212 dated 10.11.2016 (Annexure P-1) registered under Sections 341, 323, 379-B, 506, 148 and 149 IPC at P.S. Jandiala, District Amritsar (Rural), whereby the bail order of the petitioner was cancelled and her bail bonds and surety bonds were forfeited to the State and further non-bailable warrants were issued due to her non-appearance in case bearing No.SC-548-2018 titled '*State versus Charanjit Singh*'.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 20.04.2024, petitioner appeared before the learned trial Court on 29.04.2024 and furnished requisite bail bonds, surety



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bonds and placed on record copy of order dated 29.04.2024 passed by learned Additional Sessions Judge, Amritsar. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 28.07.2022 (Annexure P-4) passed by learned Additional Sessions Judge, Amritsar whereby the bail order of the petitioner was cancelled and her bail bonds and surety bonds were forfeited to the State and further non-bailable warrants were issued, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 29.04.2024 before the learned trial Court and furnished requisite bail bonds/surety bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 20.04.2024:-

“ The instant petition under Section 482 of Cr.P.C. has been filed for quashing of the impugned order dated 28.07.2022 passed by learned Additional Sessions Judge, Amritsar (Annexure P-4) in case FIR No. 0212 dated 10.11.2016 registered under Sections 341, 323, 379-B, 506, 148 and 149 of IPC, at P.S. Jandiala, District Amritsar Rural (Annexure P-1), vide which the bail orders of the petitioner were cancelled and her bail bonds and surety bonds were forfeited to the State and further non-bailable warrants has been issued against the petitioner due to her non-appearance in case bearing No. SC-548-2018 titled ‘State Versus Charanjit Singh’.

2. It is, inter alia, contended by learned counsel for the petitioner that after having been nominated in the FIR (Annexure P-1), the petitioner was granted concession of regular bail vide order dated 10.07.2017 (Annexure P-2) by learned Additional Sessions Judge, Amritsar, and thereafter she had been regularly appearing in the Court, however, on 28.07.2022, she could not appear in the Court due to having



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wrongly noted the date leading to cancellation of her bail and issuance of non-bailable warrants of arrest. He submits that the case is pending before the learned trial Court for 17.05.2024 and the proclamation qua the petitioner has been issued but she has not yet been declared as proclaimed offender in this case. He submits that the petitioner had earlier also filed the petition i.e. CRM-M-48365-2023 which, however, was withdrawn vide order dated 29.11.2023 as the petitioner was not in a position to arrange the bail bonds. He submits that the petitioner is ready to face the trial and seeks direction of the Court with specific undertaking that she will be regularly appearing in the Court during trial on each and every date of hearing without fail.

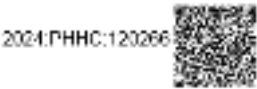
3. *Notice of motion.*

4. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix.*

5. *List on 14.05.2024.*

6. *In the meanwhile, the petitioner is hereby directed to appear in the trial Court/Duty Magistrate within ten days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the concerned Court/ Duty Magistrate. The petitioner is further directed to furnish specific undertaking before the concerned Court that she will regularly appear on each and every date of hearing and in case of any exigency, she will seek exemption from the Court in accordance with law.”*

6. Keeping in view the fact that the petitioner has already appeared on 29.04.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 20.04.2024, passed by this Court, the present petition is allowed and order dated 28.07.2022 (Annexure P-4), passed by learned Additional Sessions Judge, Amritsar, whereby the bail order of the petitioner was cancelled and her bail bonds and surety bonds were forfeited to the State and further non-bailable warrants were issued due to her non-appearance in case bearing



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No.SC-548-2018 titled ‘State versus Charanjit Singh’ is hereby set aside and the interim bail granted vide order dated 20.04.2024 is hereby confirmed.

7. The Petition stands disposed of.

12.09.2024
puneet

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |