

131

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

CRM-M-20491-2024

Date of Decision: 25.04.2024

Manjit Kaur

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rishav jain, 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 set aside the order dated 16.12.2023 (Annexure P-3), passed by the Court of Judicial Magistrate 1st Class, Sunam and the order dated 15.03.2024 (Annexure P-4), passed by the Court of Additional Sessions Judge, Sangrur in case FIR No.225, dated 09.11.2017 under Sections 451, 323, 506 and 34 of IPC, registered at Police Station City Sunam, District Sangrur, whereby, the bail order of the petitioner was ordered to be cancelled and her bail bonds and surety bonds were forfeited in favour of the State and arrest of warrants were issued against her.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on 09.11.2017 and thereafter, she was ordered to be released on bail. Learned counsel further contends that the petitioner was regularly appearing before the Trial Court during the course of trial. He further contends that the petitioner requested her counsel for filing personal exemption application, but inadvertently her counsel had not filed application for

exemption of personal appearance. Due to inadvertent mistake of the petitioner, she could not appear before the Trial Court on 16.12.2023. The Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through warrants of arrest. Learned counsel further submits that she is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent herself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S. Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned orders dated 16.12.2023 (Annexure P-3) and 15.03.2024 (Annexure P-4), passed by the Courts below.

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

7. It is apparent that the FIR in the present case was registered in the year 2017 and the petitioner is facing the prosecution since then. From the record, it is apparent that due to inadvertent mistake of the petitioner on 16.12.2023, the petitioner could not appear before the Trial Court and the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State.

8. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the Additional Sessions Judge, Sangrur/Trial Court/Duty Magistrate within a period of one week from today and on her surrender, she shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.
9. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that she shall continue to appear before the Court on each and every date of hearing and shall not absent herself during the Court proceedings, except with prior permission of the Court.
10. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.
11. The petition stands allowed in the above terms.

25.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No