



CRM-M-22401-2024

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¹⁴⁵ IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22401-2024
Decided on:-06.05.2024

Saloni

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sahil Choudhary, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

At the outset, learned counsel for the petitioner submits that inadvertently, in the memo of parties, respondent-State of Haryana has been mentioned instead of respondent-State of Punjab.

Prayer seems to be innocuous.

Ordered accordingly.

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, prayer has been made for quashing the impugned order dated 29.08.2023 as well as order dated 14.11.2023 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby, bailable and non-bailable warrants have been issued against the petitioner.

2. Briefly stating, having been implicated as an accused in FIR No.01 dated 01.01.2020, registered under Sections 420, 120-B IPC and Section 24 of Immigration Act, at Police Station Division No.6, Ludhiana,

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petitioner was granted concession of regular bail vide order dated 08.06.2021 passed by the Court of Additional Sessions Judge, Ludhiana and since then, she was regularly participating in the proceedings. But for one date i.e. 29.08.2023, when petitioner could not appear due to the reason that she was in custody in relation to another FIR, resulting into issuance of bailable and non-bailable warrants against her.

3. Impugning the aforesaid, learned counsel for the petitioner submits that on 29.08.2023, the petitioner could not appear before the trial Court due to the reason that she was in custody in relation to another FIR No.71 dated 06.08.2022, registered under Sections 406, 420, 506 and 120-B IPC and Section 24 of the Emigration Act, 1983 and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, wherein, she was granted the concession of regular bail by this Court vide order dated 20.09.2023 passed in CRM-M-27186-2023, thus, the non-appearance of the petitioner was not intentional. Moreover, petitioner is ready to surrender before the Trial Court to join the proceedings, besides it, learned counsel on instructions submits that the petitioner even volunteers to serve the public cause by providing one (01) ECG Machine to the Civil Hospital, Ludhiana.

4. Notice of motion.

5. Upon advance notice, Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against her, petitioner chose not to submit herself to the jurisdiction of the Court and, thus, impugned orders warrant no



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interference.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Considering the fact that the petitioner could not appear before the Trial Court on 28.03.2023 due to the reason that she was in custody in relation to another FIR No.71 dated 06.08.2022, and the fact that she is ready to join the proceedings before the Trial Court, the present petition is allowed and the orders dated 29.08.2023 and 14.11.2023 passed by the Judicial Magistrate Ist Class, Ludhiana are set aside with a direction to the petitioner to appear before the Trial Court within a period of two weeks from today and furnish her adequate bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioner shall also file an affidavit that she will appear on each and every date of hearing except in case of the exemption specifically granted by the Court concerned.

8. The aforesaid order, however, shall be subject to providing one (01) ECG Machine to the Civil Hospital, Ludhiana as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. The copy of receipt shall also be produced before the Trial Court during the submissions of bail/surety bonds. Till then, no coercive steps be taken against the petitioner.

06.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No