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

Sr. No.120

CRM-M-29590-2024(O&M)
Date of decision : 03.07.2024

Santosh Kumari

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. N.K. Vashisht, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for setting aside the impugned order dated 13.05.2024 passed by the learned Sessions Judge, Panchkula in case bearing No. SC/25/2021 titled as State Vs. Mandeep & others whereby the warrants of arrest has been issued and bail bonds and the surety bonds of the petitioner are forfeited to the State in FIR No.131 dated 20.09.2020 under Section 306 IPC registered at Police Station Sector-20 Panchkula.

It has been submitted by learned counsel for the petitioner that in the month of September 2023, the petitioner was diagnosed with Traumatic Lumbar Spine (Collapse L4L%)+Disc. necessitating Surgical intervention and she was advised complete bed rest and despite all the medical attention the health conditions of the petitioner did not improve leading to again poor condition and she remained hospitalized for one more month from November 2023 to December 2023 following which the petitioner was advised for bed rest and consequently the petitioner was unable to appear before the learned trial Court for four dates i.e. 21.08.2023,

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31.10.2023, 15.02.2024 and on 13.05.2024, the bail bonds and the surety bond of the petitioner were forfeited to the State and the warrants of arrest of the petitioner were issued for 01.06.2024. He further submits that due to aforementioned medical condition, the petitioner is not able to sit or stand for long hours and cannot travel and she is a widow and is facing hardship.

Notice of motion.

At asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent-State.

Mr. Kanwar Yuvraj Singh, Advocate, puts in appearance on behalf of the complainant and filed his vakalatnama. The same is taken on record.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, due to ill-health, she could not appear before the trial Court and on account of the same, her bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

This Court finds that no useful purpose will be served by sending the petitioner in custody.

In view of the above, the present petition is disposed of. Order dated 13.05.2024 passed by the learned Sessions Judge, Panchkula is hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court on the date fixed and file

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appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on bail on her furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

03.07.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No