

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.083092



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CRM-M-31299 of 2024
DECIDED ON: 4th July, 2024

Suman Sharma

.....PETITIONER

VERSUS

State of Punjab and another

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANDEEP MOUDGIL.**

Present: Ms. Renu Arora, Advocate for petitioner.

SANDEEP MOUDGIL., J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 22.3.2024 (Annexure P-1), passed by learned Chief Judicial Magistrate, Kapurthala, vide which the petitioner has been declared proclaimed offender in Case/Complaint No.COMI/111/2018 under Section 499/500/506 IPC registered at Police Station Kapurthala.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 22.3.2024, when the petitioner could not appear before the trial Court, however, she has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 22.3.2024 was stated to be on account of miscommunication between her and her counsel as she had wrongly noted the date. Due to her absence on 22.3.2024, her bail stands cancelled and bail/surety bonds were forfeited to the State and she was summoned through non-bailable warrants for 4.4.2024..

Learned counsel for the petitioner undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that she will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

4th July, 2024
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Whether speaking/reasoned	Yes
Whether reportable	No