

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-47877 of 2023
Date of Decision: February 08, 2024

Priyanka Nandwani

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Mr. Amit Choudhary, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

Harpreet Singh Brar, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 23.08.2023 (Annexure P-1) passed by learned Additional Sessions Judge, Faridabad in Criminal Appeal No. 414 of 2022 arising out of the judgment of conviction dated 26.10.2022 and order of sentence dated 31.10.2022 passed in a complaint case under Section 138 of Negotiable Instruments Act, 1881 in NACT-0005774-2015 at Police Station NIT Faridabad, whereby order dated 30.11.2022 granted suspension of sentence during the pendency of appeal No. 414 of 2022 has been cancelled.

2. On 10.10.2023, the following order was passed :-

“CRM-43023-2023

The present application has been filed for placing on record Annexure P-11.

For the reasons recorded in the application, the same is allowed. Annexure P-11 is taken on record subject to all just exceptions.

Main case

Learned counsel for the petitioner has submitted that the petitioner herein is the appellant before the learned Appellate Court and was convicted under Section 138 of the Negotiable Instruments Act, 1881 by the learned Magistrate and submitted that she was granted bail by the learned Appellate Court but thereafter only on one date i.e. on 23.08.2023, she could not appear because there were some rituals to be performed in her family and on the same date, the bail of the petitioner was cancelled and warrants of arrest were issued against her. He submitted that a specific affidavit Annexure P-11 has been filed in which the petitioner has so stated that she undertakes to appear before the learned First Appellate Court in Criminal Appeal No.414 of 2022 on each and every date of hearing and she further undertakes not to absent herself in future in the proceedings which are pending before the First Appellate Court. He further submitted that he has instructions to state that now the petitioner shall appear and surrender before the learned Appellate Court within a period of one week from today and in the meantime she may be protected.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State of Haryana.

In view of the statement and undertaking given by the learned counsel for the petitioner on behalf of the petitioner, she is directed to appear and surrender before the learned Appellate Court within a period of one week from today. Till the time the petitioner appears and surrenders before the learned Appellate Court, no coercive steps shall be taken against the petitioner. In case thereafter she files any application for grant of bail, then she shall be admitted to interim bail.

Adjourned to 08.02.2024 ”

3. In compliance of order dated 10.10.2023, the petitioner has appeared before the learned Appellate Court and also deposited 20% of the cheque amount vide demand draft bearing No. 257822 dated 15.12.2023.
4. In view of the above, no further directions are required to be passed. The impugned order dated 23.08.2023 (Annexure P-1) passed by learned Additional Sessions Judge, Faridabad is quashed.
5. The petition stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

February 08, 2024

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No