



122

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

**CRM-M No.45659 of 2024
Date of decision : 16.09.2024**

Hemlata Solanki**.....Petitioners****versus****State of Haryana and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Shantanu Bansal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. praying for quashing of impugned order dated 27.08.2024 (Annexures P-4) passed by the Court of learned Judicial Magistrate First Class, Ambala in case bearing No.CHI/130/2023 (in FIR bearing No.342 dated 16.10.2021 under Sections 120-B, 406, 420, 465, 467, 468 and 471 of IPC registered at PS Mahesh Nagar, District Ambala) titled as “State Vs. Hemlata Solanki” whereby the bail bonds and surety has been forfeited on account of non appearance of the accused-petitioner herein. Further prayer has been made for staying the operation of impugned order dated 27.08.2024 during the pendency of the present petition.

2. It has been contended by counsel for the petitioner that the petitioner was granted the concession of regular bail by the learned trial Court vide order dated 11.11.2021. He has submitted that the petitioner was regularly appearing before the trial Court. However, on one date i.e. on 27.08.2024, she was seriously ill and also on account of heavy rainfall,



she remained absent from the Court and her bail and surety bonds were cancelled and forfeited to the State. He submits that the non-bailable warrants have been issued against the petitioner for 04.11.2024. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent No.1 at this stage.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner, who remained absent on 27.08.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 27.08.2024 and her bail was cancelled and bail/surety bonds were forfeited to the State and warrants of arrest were issued for 04.11.2024. The reason for her absence has been given that she was seriously ill. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 27.08.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited with the Punjab & Haryana High Court Bar Association, Chandigarh by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit her to bail subject to its satisfaction and proceed with the trial in accordance with



law. She will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court and order under challenge dated 27.08.2024 would come in force.

16.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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