



CRM-M-46458-2024

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

CRM-M-46458-2024

Date of Decision: 19.09.2024

Kanika Maiti

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.S.Sidhu, Sr. Advocate with
Mr. Kartik Bansal, Advocate and
Mr. Sandeep Arora, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 31.10.2023 passed by learned JMIC, Nabha vide which the application filed by the petitioner for procuring her presence through video conferencing and for exempting her personal appearance, was dismissed and bail of the petitioner was cancelled and bail bonds were forfeited to the State and non-bailable warrants of arrest were issued in a case FIR No.159, dated 11.11.2014, under Sections 406, 420, 120-B IPC, registered at Police Station Kotwali, Nabha, District Patiala.

2. It has been contended by learned Senior Counsel for the petitioner that the petitioner belongs to Kolkata and she is facing litigation at various places. He submits that though the petitioner was earlier declared proclaimed offender, but this Court vide order dated 23.03.2023 passed in CRM-M-14815-2023 quashed the same subject to payment of Rs.25,000/- as cost. It is submitted that the cost as directed by this Court was duly deposited by the petitioner and she was appearing before the trial Court regularly. He submits that the petitioner not being in a position to appear on



every date by coming from Kolkata, filed an application for exemption from her personal appearance and also seeking permission to appear before the Court through video conferencing, however, the same has been declined by the trial Court vide impugned order dated 31.10.2023. He has submitted that the petitioner undertakes to abide by every terms and conditions imposed by the trial Court, but in the attending facts and circumstances, she be allowed to join the proceedings before the trial Court through video conferencing. He relies upon the judgment of Hon'ble Supreme Court in Puneet Dalmia vs. Central Bureau of Investigation, Hyderabad, passed in Criminal Appeal No.1901 of 2019 decided on 16.12.2019 and thus, submits that the impugned order is not sustainable in the eyes of law.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State. Mr. Saurabh Kaushik, Advocate, accepts notice on behalf of the complainant and he has opposed the submissions made by learned Senior Counsel for the petitioner. He submits that the petitioner is intentionally delaying the trial and there are every chances that she will misuse the concession granted by the Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner is a widow and resident of Kolkata. In the FIR, both the petitioner and her husband were the accused, however, lateron her husband died and as on date, she is the only accused. As submitted by learned Senior Counsel for the petitioner, the petitioner is facing litigation in other States as well, thus, she is unable to attend all the



proceedings at the same time and hence, she should be allowed to join the proceedings through video conferencing.

7. In view of above discussion and also keeping in view the facts and circumstances of the present case, this Court finds the prayer made by the petitioner to be genuine and thus, the order dated 31.10.2023 is set aside and the petitioner is ordered to be released on bail during the pendency of the trial of the said case on her furnishing fresh bail/surety bonds to the satisfaction of the trial Court. The petitioner is allowed to join the proceedings through video conferencing and also her prayer for exemption from her personal appearance is allowed subject to her filing affidavit before the trial Court to the following effect:-

- a) That she will have no objection if the statements of witnesses are recorded in her absence but in her presence (through VC) and also the presence of her counsel.
- b) That she will appear before the trial Court as & when required to do so by it.
- c) That she will abide by any other condition imposed by the trial Court during the period she would appear though video conferencing.

8. The petitioner is directed to join the proceedings immediately through video conferencing. The trial Court would proceed with the matter as per law and would give a specific date to the petitioner for her appearance before it enabling her to file affidavit as stated above and also furnish fresh bail/surety bonds and thereafter, on subsequent dates her personal appearance will remain exempted and she would continue to join the proceedings through video conferencing. However, the trial Court is free to direct the petitioner to join the proceedings as and when it deems

necessary for the just decision of the case.

9. Needless to say that in case of violation of any direction of learned trial Court by the petitioner, the Court will be free to proceed against her as per law.
10. With the above observations, the present petition stands disposed.
11. A copy of this order be sent to trial Court forthwith.

19.09.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No