



CRM-M-46963-2024

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

CRM-M-46963-2024

Date of Decision: 19.09.2024

Rajni Dhingra

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhupinder Ghai, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 22.08.2024 (Annexure P-7) passed by learned Additional Sessions Judge, Gurugram alongwith all subsequent orders passed in appeal No.CRA-94/2022 dated 09.05.2022 titled as Rajni Dhingra vs. Sanjeev Chugh, arising out of complaint bearing No.NACT 4735 of 05.04.2017 titled as Sanjeev Chugh vs. Rajni Dhingra, vide which the bail of the petitioner was cancelled and bail bonds were forfeited to the State.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the husband of the petitioner took loan from the respondent-complainant and thereafter, he expired on 30.04.2018 and the petitioner was unaware of the repayment of the loan. He submits that however, the respondent-complainant has falsely implicated the petitioner as well as her daughter-in-law in the present case. He submits that the petitioner was convicted by learned JMJC, Gurugram and thereafter, she filed appeal against the same, which is pending adjudication. He submits that on the



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earlier occasion, the petitioner approached this Court by way of filing CRR-119-2024 against the order passed by learned Additional Sessions Judge, Gurugram vide which appeal of the petitioner was dismissed and the same was allowed by this Court vide order 23.01.2024. He further submits that on 21.05.2024, bail of the petitioner was cancelled and bail bonds were forfeited to the State, as she could not appear before the Court on account of her old age. He submits that thus, the petitioner again approached this Court by way of filing CRM-M-30825 of 2024, which was allowed by this Court and the petitioner was allowed to join the proceedings. He submits that thereafter, the petitioner was duly appearing before the Court regularly, however, due to pre-poning the date of hearing from 20.09.2024 to 22.08.2024, the petitioner could not appear on 22.08.2024, due to which bail of the petitioner was cancelled and bail bonds were forfeited to the State. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond her control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and also abide by all the terms and condition, if any imposed by the Court.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State. He has submitted that the bail bonds/surety bonds of the petitioner were rightly forfeited by the State as she is habitual of remaining absent from the Court. Mr. Aditya Jain, Advocate, accepts notice on behalf of respondent No.2-complainant and also opposes the contentions raised by counsel for the petitioner.

5. After hearing learned counsel for the parties and perusing the

record, it is evident that on 22.08.2024, due to non-appearance of the petitioner, her bail was cancelled and bail bonds/surety bonds were forfeited to the State and non-bailable warrants were issued against her. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 22.08.2024 is set aside subject to payment of Rs.25,000/- as costs to be paid to the complainant by the petitioner within a period of seven days from today by depositing the same before the trial Court.

7. The petitioner is directed to appear before the Appellate Court within a period of ten days from today and file an appropriate application alongwith costs of Rs.25,000/- and the Court concerned would grant him bail till the disposal of the case on her furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today. The costs of Rs.25,000/- shall be paid to the complainant forthwith on his appearance before the trial Court.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force.

9. Petition stands disposed of in abovesaid terms.

19.09.2024

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Whether Speaking/Reasoned

Whether Reportable

:

:

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No