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

**CRM-M No.48364 of 2024
Date of decision : 27.09.2024**

Twinkle Kaushik**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Manish Soni, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita praying for setting aside the impugned order dated 06.08.2024 (Annexure P-4) passed by the learned Additional Sessions Judge, Gurugram in case bearing No. SC/685/2019 dated 21.09.2019, arising out of FIR No.265, dated 14.06.2019 (Annexure P-1), under Sections 307, 120-B, 506, 212 IPC, Section 25 of Arms Act, 1959, registered at Police Station Bilaspur, District Gurugram, whereby the learned Additional Sessions Judge, Gurugram cancelled the regular bail already granted to the petitioner and thereby issued warrants of arrest against the petitioner, on account of non-appearance of Petitioner, along with all the subsequent/incidental proceedings arising therefrom, for the reasons delineated herein in the present petition as well as interest of justice & fitness of things. Further prayer has been made for granting interim relief by way of staying the operation of impugned order dated



06.08.2024 (Annexure P-4) and thereby allowing the petitioner/accused to appear before the learned Trial Court, Gurugram so as to enable to the petitioner to join the proceedings of aforesaid Criminal Case (P-1), during the pendency of present petition before this Hon'ble Court.

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 16.08.2019. He has submitted that the petitioner was regularly appearing before the trial Court. However, on one date i.e. on 06.08.2024, she was seriously ill, due to which she remained absent from the Court and her bail was cancelled and bail bonds/surety bonds were cancelled and forfeited to the State. He submits that the non-bailable warrants have been issued against the petitioner for 28.10.2024. He submits that the petitioner is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-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 06.08.2024 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 06.08.2024 and her bail was cancelled and bail/surety bonds were forfeited to the State and warrants of arrest were issued for 28.10.2024.

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 impugned order dated 06.08.2024 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 06.08.2024 would come in force.

27.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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