



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

122

CRM-M-60491-2024
DATE OF DECISION: 04.12.2024

KIRANJEET KAUR ...PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raman Kumar, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing/setting aside of the order dated 13.09.2024 (Annexure P-3) vide which proclamation issued against the petitioner for her failure to appear on 13.05.2024 in Complaint No. COMA/79/2016 titled as 'Ajmel Singh vs. Bhupinder Singh and anr.' dated 06.04. 2016 under Section 138 of NI Act.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e.13.05.2024 since her daughter was suffering from liver infection and the petitioner herself was suffering from diabetic problem. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise she was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial



Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

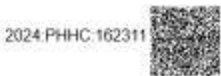
On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that she will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of two weeks from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Employees' Welfare Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.



The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

04.12.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>