



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

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**CRM-M-518-2025
Decided on : 10.01.2025**

Nisha Rani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Maneesh Bali, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of order dated 13.11.2024 (Annexure P-10), passed by Ld. Additional Sessions Judge, Sri Muktsar Sahib, in case FIR No. 93, dated 19.06.2022 (Annexure P-1), under Sections 306/34 of IPC, registered at Police Station Gidderbaha, District Mukatsar Sahib, vide which the bail granted to the petitioner was cancelled and bail bonds/surety bonds were also cancelled and forfeited as well as non-bailable warrants of arrest has been issued on account of non-appearance on 13.11.2024.

2. Learned counsel for the petitioner submits that it was only once when petitioner failed to appear before the trial Court as the petitioner is stated to be an illiterate woman and a labourer. Under misconception, wrong date was noticed/understood by her and therefore, she could not appear before the trial Court on the date fixed i.e. 13.11.2024 and resultantly, her bail bonds/surety bonds were cancelled and forfeited. For reference, order dated 13.11.2024 is reproduced herebelow:

“Present: Sh. Shivdev Singh Gill, Additional PP for the State.



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Sh. H.S. Dhillon, Advocate for accused Mewa Singh.

Accused Nisha Rani absent.

File received by transfer. It be registered. An application for exemption from personal appearance of accused Mewa Ram has been filed. In view of reason mentioned in the application, presence of accused is exempted for today. Accused Nisha Rani absented herself from the court. Neither any exemption application has been moved nor anyone appeared on her behalf. So, her bail order stands cancelled and bail bonds/surety bonds are also cancelled and forfeited to the State. Let, accused Nisha Rani be summoned through non bailable warrant and notice to her surety be also issued for 19.12.2024. Pws Sukhdev Ram and Dr. Randhir are present but they are discharged for the time being.

Date of order: 13.11.2024

*(Raman Sharma)
ASK/SMS
UID No. PB0251”*

3. Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor deliberate, but due to some unavoidable circumstances, as explained in the present petition. Besides, petitioner is having clean record and except present case, there is no other case either registered or pending against her. Petitioner was regularly attending the proceedings before the learned Trial Court since 30.01.2023 till 21.05.2024.

4. He further contends that, if one opportunity is granted to the petitioner to appear and then to grant her bail, she undertakes that in all the future proceedings of the present case, she will never be absent from the Court except on obtaining prior permission from the Court and will fully cooperate in the Court proceedings for early completion of trial.

5. Notice of motion.

6. On asking of the Court, Mr. Amandeep S. Samra, AAG, Punjab,

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who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner was regularly attending the proceedings before the learned Trial Court, and by way of present petition, she is seeking one chance to join the proceedings before the learned Trial Court with certain conditions.

9. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

10. Therefore, in the totality of circumstances, I am of the opinion that an opportunity shall be granted to the petitioner to appear before the trial Court and it is directed that if petitioner on her own appears before the learned trial Court on or before 29.01.2025, she would be released on bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.



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11. In view of above, **the present petition is allowed.**
12. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 13.11.2024 (Annexure P-10) and the subsequent orders would become inoperative *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

January 10, 2025
rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*