



129

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-8134-2025****Date of Decision: 13.02.2025****SEEMA KUMAR ALIAS SEEMA ALIAS SUPRIYA AND ANOTHER****....Petitioner(s)****VERSUS****STATE OF HARYANA****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH****Present: Mr. Jitende Singh Dadwal, Advocate for the petitioners.****Mr. Kanwar Sanjiv Kumar, AAG, Haryana.*************SANJAY VASHISTH, J. (Oral)**

1. Instant petition, under Section 528 of the BNSS, 2023 (earlier Section 482 Cr.P.C.), has been filed for quashing of the order dated 13.01.2025 (Annexure P-1), whereby the non-bailable warrants have been issued against them (accused), on account of their non-appearance in the following FIR:-

FIR No.	Date	Section(s)	Police Station	District
0006	13.03.2024	406, 419, 420 IPC	Cyber Crime	Palwal

2. Learned counsel for the petitioner submits that both the petitioners were released on bail and thereafter, there is no instance of ever being absent and denial from their appearance whenever the same was required either by investigating officer or Court.

On 30.10.2024 (Annexure P-4), personal appearance of petitioner No.2-Ashish Kumar was exempted and petitioner No.1-Seema Kumar @ Seema @ Suprya, was already on anticipatory bail. There being no information to petitioner No.1, she was not present on that day and



CRM-M-8134-2025

2

proceedings were adjourned to 31.01.2025 for awaiting/presentation of *challan*.

Before the date fixed i.e. 31.01.2025, on 05.11.2024, *challan* was presented by the police and proceedings were adjourned to 30.01.2025. On presenting the *challan* prior to the date already fixed i.e. 31.01.2025, date has been changed as 13.01.2025, on that account, both the petitioners could not put in appearance and their bail was cancelled vide order dated 13.01.2025 (Annexure P-1).

Counsel submits that there being no fault on the part of the petitioners yet without considering the circumstances in its entirety, learned trial Court has cancelled their bail.

Thus prays for setting aside/quashing of order dated 13.01.2025.

Thus, submits that impugned order dated 13.01.2025 be quashed by restoring back the earlier bail bonds furnished in pursuance to the bail order qua the petitioners.

3. Notice of motion.
4. On advance notice, learned State counsel puts in appearance on behalf of respondent-State who is unable to dispute the factual submissions as addressed by the counsel for the petitioners.
5. Few of the orders are reproduced as under:-

Order dated 30.10.2025, says as under:-

'Present : Sh. Tanuj Sharma, Ld. APP for the State.

Accused Ashish on bail but not present

represented by Sh. C.S. Rathaur, Advocate.

Today the case was fixed for awaiting challan.

Accused Ashish is not present today. An application for exemption from personal appearance of accused Ashish has been filed. Heard. Keeping in view reasons mentioned in the application, same is allowed. Accused Ashish is exempted from personal appearance for today only.

Challan not received. Same be awaited for 31.01.2025.

(Ayush Garg)

JMFC/Palwal

UID No. HR0643.

30.10.2024 '



CRM-M-8134-2025

3

Order dated 05.11.2024, says as under:-

‘Present: Sh. Tanuj Sharma, Ld. APP for the State.

Challan presented today. It be checked and registered. Now, concerned Ahlmad dis directed to attach the other relevant documents i.e. FIR, Remand Paper, Superdari etc. with the main file.

Now, to come upon 13.01.2025 i.e. the date already fixed.

(Ayush Garg)

JMFC/Palwal

UID No. HR0643.

05.11.2024’

Impugned order dated 13.01.2025, says as under:-

‘Present : Sh. Tanuj Sharma, Ld. APP for the State.

Accused Ashish Kumar and Seema @ Supriya absent.

Today the case was fixed for presence of accused.

*Case called several times since morning and lastly called at 3:30 P.M., neither the accused Ashish Kumar and Seema @ Supriya appeared in person nor any intimation is received on their behalf. Waited sufficiently. No further wait is justified. Hence, **bail of accused Ashish Kumar and Seema @ Supriya are hereby cancelled and bonds forfeited to the State.***

Let, presence of accused Ashish Kumar and Seema @ Supriya be secured through warrants of arrest for 28.02.2025. Notice to their sureties be also issued for the date fixed.

(Ayush Garg)

JMFC/Palwal UID No. HR0643.

13.01.2025’

6. This Court finds that the date fixed before trial Court for awaiting *challan* was 31.01.2025 and on presenting the *challan* prior to the fixed date i.e. on 05.11.2024, next date was fixed as 13.01.2025 without noticing that proceedings are already fixed for 31.01.2025. Even nothing has been mentioned about the change of the date or preponement of the

**CRM-M-8134-2025**

4

date already fixed. Thus, order dated 13.01.2025, requires to be set aside without attributing any deliberate fault on the part of the petitioners.

7. Accordingly, plea of the petitioners is accepted. Impugned order dated 13.01.2025 is set aside as a whole. Subject to the appearance of the petitioners before the trial Court on or before 28.02.2025, they would be deemed to be continuing on bail as per the bail order already passed.

Bail bonds already furnished by the petitioners, would be restored/retrieved.

8. With aforementioned terms, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 13, 2025
Sangeeta

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No