

123

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

**CRM-M-27785-2025
DECIDED ON: 21.05.2025**

**RACHNA SHARMA THROUGH HER PAROKAR
.....PETITIONER**

VERSUS

**STATE OF HARYANA AND ANOTHER
.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Jawandha, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS for quashing of Impugned orders dated 12.04.2023 (Annexure P-2) and order dated 09.08.2024 (Annexure P-9) passed by Chief Judicial Magistrate, Gurugram in FIR No.370 dated 11.05.2015 (Annexure P-1) under Section 384 of IPC, registered at Police Station Civil Lines, District Gurugram, vide which the bail of the petitioner was cancelled and her bail bonds were forfeited.

The learned counsel for the petitioner submits that the petitioner had been regularly appearing before the trial court. However, on 12.04.2023, she was unable to attend due to suffering from severe depression since 2021, for which she has been receiving treatment at the Army Hospital in Chandi Mandir. As a result of her absence, her bail was cancelled, and the bonds were forfeited to the State. Subsequently, the petitioner filed an application seeking a permanent exemption from personal appearance before the trial court, which was rejected by the order dated 09.08.2024 (Annexure P-9). The counsel further submits that the petitioner's absence from court was neither intentional nor deliberate.

Learned counsel for the petitioner though at the outset without contesting the orders dated 12.04.2023 (Annexure P-2) and order dated 09.08.2024 (Annexure P-9) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, who has voluntarily agreed to join the proceedings before the trial court and to pay a penalty of Rs. 20,000/- which shall be deposited with Punjab & Haryana High Court Bar Clerk's Association, Chandigarh for causing unwarranted delay in the trial proceedings, the order dated 12.04.2023 (Annexure P-2) and order dated 09.08.2024 (Annexure P-9) are hereby set aside. A receipt qua deposit of cost shall be furnished at the time of surrender before the trial Court.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days. If any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

21.05.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*