



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

Sr. No.128

CRM-M-24715-2025(O&M)

Date of decision : 07.05.2025

MANPREET KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Manu Loona, Advocate
for the petitioner(s).

KIRTI SINGH, J. (Oral)

This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of order dated 27.03.2025 (Annexure P/4) passed by the Learned Additional Sessions Judge, Fazilka in SC-45-2025 titled as "*State of Punjab Vs. Juj Singh etc.*".

2. Learned counsel for the petitioner submits that the petitioner, a poor lady working as a labourer in the fields, and was granted regular bail in the aforementioned case by the learned trial Court and had been appearing regularly before the Court and did not violate any condition imposed on her while granting bail. However, on 27.03.2025, the petitioner was unable to attend the Court hearing due to a medical emergency. Her son had suffered an injury, resulting in a hairline fracture to his leg, because of which the petitioner could not inform her counsel for filing an exemption application. This led to the passing of the impugned order, whereby her bail bonds were cancelled and a show-cause notice was also issued to the petitioner as to why



her bail should not be cancelled. Unfortunately, due to some miscommunication the petitioner could not appear on 11.04.2025 before the learned trial Court, because of which proclamation was issued for her appearance vide order dated 11.04.2025 (Annexure P-5). Learned counsel further submits that the petitioner's non-appearance was neither intentional nor willful, and that she is ready and willing to appear before the learned trial Court and comply with all terms and conditions that may be imposed by the Court.

3. On advance notice, Ms. Guramrit Kaur, DAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel opposes the prayer made in the petition and has argued that the learned trial Court had rightly cancelled the bail bonds/surety bonds of the petitioner and thereafter issued notice of proclamation against her.

4. Heard.

5. The objective of the coercive mechanism prescribed under the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier the Code of Criminal Procedure) is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

6. On hearing learned counsel for the petitioner and perusing the record, it is evident that the petitioner was granted bail by the learned trial Court. However, due to medical emergency, she failed to appear before the trial Court on 27.03.2025. It was the further submission that the non appearance of the petitioner before the trial Court on 11.04.2025 was also not intentional and was due to non communication. However, the petitioner



is ready and willing to appear before the learned trial Court and face the trial and thus seeks quashing of the impugned order.

7. This Court finds that no useful purpose will be served by sending the petitioner into custody, considering she had been continuously appearing before the trial Court but could not appear on the two dates i.e. 27.03.2025 and 11.04.2025.

8. In view of the above, the present petition is allowed. Order dated 27.03.2025 (Annexure P/4) is hereby set aside, **subject to payment of Rs.5,000/- to be deposited in Poor Patients’ Welfare Fund, PGIMER, Chandigarh.** The petitioner would appear before the trial Court on 13.05.2025 and file appropriate application. The trial Court would release the petitioner on same bail bonds/surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to appear before the learned trial Court within prescribed period as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

07.05.2025
Kavita

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