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

CRM-M-40930-2025

Date of Decision: 01.08.2025

Seema

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dipanshu Kapur, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 04.09.2024 (Annexure P-3), vide which bail granted to the petitioner was cancelled by learned Lower Appellate Court and further vide order dated 25.11.2024, proclamation proceedings were initiated in a case FIR No.82, dated 22.04.2018, under Sections 353, 332, 225, 186, 148, 149 IPC, registered at Police Station Garhshankar, District Hoshiarpur.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner and co-accused were convicted by learned trial Court vide order dated 03.07.2025, which was further assailed by them by way of filing appeal before learned Appellate Court. He submits that sentence of the petitioner has also been suspended by learned Appellate Court vide order 01.08.2024. He has submitted that due to non-appearance of the petitioner before learned Appellate Court, bail granted to her was cancelled and her bail/surety bonds were forfeited to the State and she was ordered to be summoned through non-bailable warrants vide order dated 04.09.2024. However, she surrendered herself before the jail authorities at Kaputhala on

05.11.2024 in another case FIR No.125 dated 18.06.2024, registered under



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Sections 21(C), 27-A, 25, 29, 61, 85 of NDPS Act, at Police Station Division No.8, Jalandhar and thus, she could not appear before the Appellate Court on 25.11.2024, due to which proclamation proceedings under Section 82 Cr.P.C. were initiated against her. It is further submitted that absence of the petitioner was totally unintentional and due to the circumstances beyond her control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Notice of motion.

4. Mr. J.S. Arora, DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has submitted that learned Appellate Court has rightly cancelled the bail of the petitioner, as she intentionally did not appear before it, on the date fixed.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner on 04.09.2024, her bail was cancelled and her bail bonds/surety bonds were forfeited to the State and she was ordered to be summoned through non-bailable warrants and thereafter, vide order dated 25.11.2024, proclamation proceedings were initiated against her. The reason for non-appearance before the Court on the date fixed, as given by the petitioner, is her confinement to jail in another FIR. This Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear before the Court concerned to face the proceedings in the present case. In these circumstances, when the



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petitioner is ready to face the proceedings, the order dated 04.09.2024 and 25.11.2024, are set aside.

6. Jail Authorities concerned are directed to produce the petitioner before the Appellate Court in the present case within a period of seven days from today and the petitioner is directed to file an appropriate application and the Appellate Court would grant her bail till the disposal of the case on her furnishing fresh bail/surety bonds to its satisfaction. The Appellate Court is free to impose any condition on the petitioner while admitting her to bail.

7. Needless to say that in case the petitioner fails to file the appropriate application with the abovesaid direction, this order would be of no avail to her and orders under challenge will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

01.08.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

**(RAJESH BHARDWAJ)
JUDGE**