

**CRM-M-50150-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.126****CRM-M-50150-2024 (O&M)
Decided on :20.02.2025****KIRAN RASTOGI****.....Petitioner****VERSUS****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Manan Bhardwaj, Legal Aid Counsel
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J.

1. Instant petition, under Section 482 of Cr.P.C. has been filed for quashing of the order dated 13.08.2024 (Annexure P-2), passed by learned Judicial Magistrate Ist Class-4, Rajpura, whereby the petitioner has been summoned through non-bailable warrants FIR No. 285 dated 23.12.2021 under Sections 406, 420 and 120-B IPC, registered at Police Station City Rajpura, District Patiala.

2. Learned counsel for the petitioner contends that after registration of the FIR, present petitioner was granted the concession of anticipatory bail by the Co-ordinate Bench of this Court vide order dated 06.09.2022, passed in CRM-M-17580-2022 and thereupon the petitioner joined the investigation and also had been appearing before learned trial Court on each and every date. The petitioner could not appear on



CRM-M-50150-2024

13.08.2024 before learned trial Court and her bail order was cancelled.

The reason for non appearance of the petitioner before learned trial Court was due to notice of wrong date. However, counsel submits his explanation that the petitioner, who is household woman is interested to re-join the process of law by putting in appearance before the trial Court.

3. Further submits that in case one opportunity is granted for releasing the petitioner on bail, by protecting her from arrest, the petitioner undertakes that she would present herself before the Court to face the proceedings and will not absent herself in future, without there being prior permission from the Court, and fully cooperate for early disposal of the trial.

4. Notice of motion.

5. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he never appeared before the trial Court.

6. In number of cases, this Court has considered similar plea of non-appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed 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 litigation, 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.”

[see: Ashish Kumar Honda @ Ashish Handa v. State of Punjab, Law Finder Doc Id # 2038111; and Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)]

CRM-M-50150-2024

7. I have considered the submissions of both the sides and examined the relevant material available on record. It also cannot be left unnoticed that on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

8. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside, and she is directed to be released on bail, in the eventuality of surrender by her before the trial Court on or before 07.03.2025.

9. The petitioner shall also furnish bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also 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 her conduct.

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

(SANJAY VASHISTH)
JUDGE

20.02.2025
dinesh

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No