



108

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

CRM-M-37525-2025 (O&M)

Date of Decision:- 31.01.2026

KRISHNA DEVI & ANOTHER

...Petitioners

Vs.

STATE OF PUNJAB & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Chiranshu Rattan, Advocate for the petitioners.

Mr. Ekompal Sagoo, AAG, Punjab.

Ms. Samina Dhir, Advocate for respondent No.2
(through V.C.)

AMARJOT BHATTI, J.

1. Petitioner No.1 Krishna Devi, aged about 49 years and petitioner No.2 Dinesh Kumar aged about 34 years filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of order dated 05.03.2025 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Ludhiana in FIR No.128 dated 08.08.2022 under Sections 406 and 498-A of IPC whereby their non-bailable warrants of arrest have been issued, with further direction to the trial Court to restore



the bail bonds keeping in view the peculiar facts and circumstances of the case.

2. Learned counsel for the petitioners argued that on the complaint of complainant present petitioners are falsely implicated in the FIR No.128 dated 08.08.2022 (Annexure P-1) (*supra*) with the allegations of harassment on account of bringing less dowry as well as with the allegations of having illicit relations. In-fact, marriage of petitioner No.2 was solemnized with complainant/respondent No.2 Diksha on 07.08.2020. Earlier he was working as Aircraft Maintenance Engineer with Indigo Airlines and he also set up his laundry business in the name and style of Klinco Organic Laundry Private Limited. After marriage, he lost his job during Covid-19 and shifted to Bangalore along with his wife. Petitioner No.1 mother was residing in Ludhiana and she had no interference in their matrimonial life. On account of matrimonial dispute, respondent No.2 left the house. Later, petitioner No.1 i.e. mother-in-law filed anticipatory bail application which was allowed by the trial Court vide order dated 02.09.2022 (Annexure P-2). Petitioner No.2 husband also approached this Court for grant of anticipatory bail which was allowed vide order dated 07.08.2023 passed in CRM-M-43878-2022 (Annexure P-3). On completion of investigation, challan was presented under Section 173 Cr.P.C. on 22.10.2023 (Annexure P-4). Both petitioners were residing in Bangalore. Petitioner No.1 suffered from hypertension coupled with uncontrolled type-2 diabetes Mellitus. He was looking after his mother. Record of Medstar Speciality Hospital is Annexure P-5. Under these circumstances they could not travel to Ludhiana to face the trial and finally their non-bailable



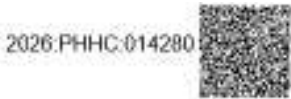
warrants of arrest were issued vide impugned order dated 05.03.2025 (Annexure P-6). Petitioners had no intention to evade the process of law. They are still ready to face the trial by appearing before the trial Court through video conferencing. Zimni orders passed in the aforesaid trial are Annexure P-7. It is submitted that impugned order dated 05.03.2025 may kindly be quashed and the bail bonds and surety bonds may kindly be restored as prayed for.

3. Petition is opposed by learned counsel representing State assisted by learned counsel representing respondent No.2. Status report filed taking the stand that both the petitioners remained absent before the trial Court continuously and finally the trial Court was compelled to pass the impugned order dated 05.03.2025 vide which their non-bailable warrants of arrest were issued. Prior to this, they were filing repeated applications seeking exemption of their personal appearance. Trial is stand still. Till date charges are not framed. Counsel representing respondent No.2 also filed reply giving detail of dates and events in the said trial in para No.2 of the reply. It is submitted that there is deliberate act on the part of the petitioners to evade the trial. Therefore, they are not entitled to any relief.

4. I have considered the arguments and have gone through the record carefully. I have perused the zimni orders passed in the trial from time to time. Admittedly, Krishna Devi petitioner No.1 was granted anticipatory bail by the Additional Sessions Judge, Ludhiana vide order dated 02.09.2022 (Annexure P-2). Dinesh Kumar husband/petitioner No.2 also granted anticipatory bail by this Court vide order dated 07.08.2023



(Annexure P-3). On completion of investigation, challan (Annexure P-4) was presented on 04.11.2023. Perusal of record Annexure R-2/1 indicates that Dinesh Kumar petitioner No.2 appeared in the Court on 21.02.2024 to furnish his bail bonds whereas Krishna Devi petitioner No.1 appeared in the Court on 03.06.2024 to furnish her bail bonds. Apart from this, both petitioners never appeared in person before the trial Court. Zimni orders show that on each and every date of hearing, both petitioners were filing application seeking exemption of their personal appearance which was liberally allowed by the trial Court. Thereafter, both the petitioners were finally directed to appear before the trial Court on 05.03.2025 but even then they did not turn up. Their applications seeking exemption were declined and their bail bonds and surety bonds furnished by them were cancelled and forfeited to the State. Their non-bailable warrants of arrest were issued on 05.03.2025. Even thereafter the petitioners did not opt to appear before the trial Court to face the trial. After the lapse of more than 4 months, present petition has been filed seeking quashing of impugned order dated 05.03.2025 as well as restoration of their bail bonds and surety bonds. Conduct of present petitioners clearly indicates that they did not put in their appearance before the trial Court deliberately. Both of them are residing in Bangalore. Petitioner No.1 is suffering from common disease i.e. hypertension and diabetes which can be treated with medicine. So far as petitioner No.2 is concerned, he claimed that since he was looking after his mother, therefore, he was not in a position to appear before the trial Court. Throughout pendency of trial they filed exemption applications and did not appear despite directions of the Court. Consequently, in the absence



of petitioners/accused till date trial Court could not hear arguments on charges. The act and conduct of the petitioners clearly shows that there was deliberate and intentional absence on their part. The trial Court was left with no alternative but to pass the impugned order dated 05.03.2025. Therefore, I do not find merits in the petition filed by the petitioners and the same is, accordingly, declined.

5. Pending misc. application, if any, stands disposed of.

(AMARJOT BHATTI)
JUDGE

31.01.2026
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No