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

**CRM-M No.66184 of 2025
Date of decision : 13.01.2026**

Ms. Somya

.....Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Devender Arya, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 05.07.2024 (Annexure P-6) passed by the learned Sessions Judge, Panchkula, whereby the application of exemption from personal appearance dated 05.07.2024 was dismissed and warrant of arrest has been issued against the petitioner as well as bail of the petitioner was cancelled in case bearing CRA No.112 of 2022 dated 12.10.2022 titled as Somya vs. State of Haryana and another and the petitioner be allowed to contest the above said case before the learned trial Court and further for staying the proceedings before the learned trial Court during the pendency of the present petition.

2. Learned counsel for the petitioner has submitted that the petitioner was falsely prosecuted in a complaint filed under Section 138 of



Negotiable Instruments Act. He has submitted that the petitioner was convicted by the learned Judicial Magistrate Ist Class, Panchkula vide order dated 14.09.2022 and sentenced vide order dated 15.09.2022 to undergo simple imprisonment for a period of 06 months and to pay compensation 1.5 times of the cheque amount, i.e. Rs.1,00,000/- to the complainant. He has submitted that being aggrieved, the petitioner filed an appeal before the learned Sessions Judge, Panchkula and the learned Sessions Judge, Panchkula vide order dated 12.10.2022 suspended the sentence of the petitioner subject to deposit of 25% of total compensation amount, i.e. Rs.37,500/- before the Court. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that on some dates, the petitioner filed an application for exemption from personal appearance, however the same were allowed by the learned trial Court. He has submitted that on 05.07.2024, the petitioner moved an application for exemption from personal appearance as he was suffering from fever, but the same was dismissed by the learned trial Court on the same day, i.e. on 05.07.2024. He has submitted that due to non appearance of the petitioner, his bail order was cancelled and bail bonds/surety bonds were also forfeited to the State. He has submitted that warrant of arrest against the petitioner was also issued. He has submitted that the petitioner is suffering from Diabeties and her treatment is going on. He has submitted that the petitioner is a single and unmarried and having responsibilities of her family. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by



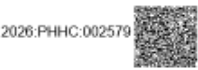
the terms and conditions imposed upon her.

3. Notice of motion to official respondent No.1 at this stage.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of respondent No.1-State. He, on the other hand, has contended that bail order of the petitioner was rightly cancelled by the learned trial Court and warrant of arrest was issued against her, as she failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in a complaint filed under Section 138 of Negotiable Instruments Act, in which, he was convicted and sentenced to undergo simple imprisonment for a period of 06 months and to pay compensation 1.5 times of the cheque amount, i.e. Rs.1,00,000/- to the complainant. Being aggrieved, the petitioner filed an appeal before the learned Sessions Judge, Panchkula, however, his sentence has been suspended by the learned Sessions Judge, Panchkula vide order dated 12.10.2022 subject to deposit of 25% of total compensation amount, i.e. Rs.37,500/- before the Court. Due to non-appearance of the petitioner before the learned trial Court, her bail order was cancelled and bail bonds/surety bonds were forfeited to the State. Warrant of arrest was also issued against the petitioner. The reason given by the petitioner for her absence is that she is suffering from fever. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 05.07.2024 is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited in the trial Court concerned within ten days



from the date of receipt of certified copy of this order, which will be paid to the complainant/respondent No.2. The trial Court will issue notice to the complainant and on his appearance Rs.10,000/- cost deposited by the petitioner will be released to him forthwith. The petitioner is directed to appear before the trial Court within a period of 10 days from the date of receipt of certified copy of this order and files appropriate application, then the trial Court will admit her to bail subject to its satisfaction during the pendency of trial and proceed with the trial as per law. Petitioner will have protection from arrest for a period of 10 days from the date of receipt of certified copy of this order.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of abovesaid protection granted by this Court and order under challenge dated 05.07.2024 would come in force and the present petition would be deemed to have been dismissed.

13.01.2026

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

(RAJESH BHARDWAJ)
JUDGE