



CRM-M-5122-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-5122-2025 (O&M)****Date of decision : 29.1.2025**

Gouran Devi

... Petitioner

VERSUS

U.T., Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Durga Dutt Sharma, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner seeking quashing of order dated 9.1.2025 (Annexure P-3) passed by the appellate Court of Additional Sessions Judge, Chandigarh whereby the bail of the petitioner was cancelled and she was directed to be summoned through non-bailable warrants of arrest, on account of her absence before the appellate Court concerned on the date fixed.

2. Counsel for the petitioner, *inter alia*, submits that the petitioner was convicted and sentenced under Section 138 of Negotiable Instruments Act by the learned trial Court and against the said judgment and order, the petitioner preferred an appeal wherein while entertaining the said appeal, the appellate Court suspended the sentence of the petitioner subject to her furnishing bail/surety bonds in the sum of ₹ 50,000/- to the satisfaction of the Court concerned within a period of next 10 days.



3. Counsel for the petitioner further submits that the petitioner failed to arrange suitable surety and thus, failed to comply with the aforesaid order and consequently, did not appear on the next date fixed in appeal. He further submits that absence of the petitioner on the date fixed was not intentional and rather, the appellate Court while passing the impugned order acted in a hasty manner. It is further submitted that now the petitioner is ready and willing to furnish the requisite personal/surety bonds in compliance of order dated 9.12.2024 passed by the appellate Court.

4. Notice of motion.

5. Ms. Vasundhara Dalal Anand, APP, UT, Chandigarh submits that the petitioner failed to comply with order dated 9.12.2024 passed by the Court of Additional Sessions Judge, Chandigarh and she also failed to appear on the next date fixed in the appeal and thus, the appellate Court rightly passed order (Annexure P-3) and there is no illegality or perversity in the same.

6. In light of the fact that the petitioner herself has approached this Court and is also showing her readiness and willingness to join proceedings in the appellate Court at the earliest and further offence punishable under Section 138 of Negotiable Instruments Act is a bailable offence, without expressing any opinion on the merits of the case and in order to avoid any further delay in disposal of the appeal, present petition is hereby disposed of with direction to the petitioner to appear before the appellate Court concerned within next 10 days and on her doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to costs of ₹ 5000/- to be deposited by the petitioner with District Legal



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Services Authority concerned. Needless to say that the petitioner should remain careful in future and shall regularly appear before the appellate Court on each and every date fixed in appeal.

**(KARAMJIT SINGH)
JUDGE**

January 29, 2025
Paritosh Kumar

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