



OUT TODAY

ITEM NO.12

COURT NO.15

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.
19050/2025

[Arising out of impugned final judgment and order dated
14-11-2025 in CRM-M No. 56737/2025 passed by the High Court
of Punjab & Haryana at Chandigarh]

MEENAKSHI

Petitioner(s)

VERSUS

STATE OF HARYANA & ANR.

Respondent(s)

Date : 27-11-2025 This petition was called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Vaibhav Gaggar, Sr. Adv.
Mr. Dhruv Gautam, AOR
Mr. Dhruv Dewan, Adv.
Mr. Vansh Shrivastava, Adv.

For Respondent(s) : Mr. Akshay Amritanshu, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned senior counsel appearing for the petitioner and Shri Akshay Amritanshu, learned standing counsel for the respondent-State, who has accepted notice.

2. The order of the appellate court canceling the bail and taking into custody petitioner-accused after issuance of a Non-Bailable Warrant (NBW), which has been assailed before the High Court with a prayer of interim relief having not been considered by the High Court, petitioner has filed the present petition.

3. The genesis of this case relates to proceedings initiated by the second respondent under Section 138 of the Negotiable Instrument Act, 1881 (NI Act) for the alleged return of the two cheques issued by the mother of the petitioner herein for a sum of Rs.7,00,000/- (Rupees Seven Lakhs) and Rs.5,00,240/- (Rupees Five Lakhs Two Hundred Forty), which cheques came to be dishonored which culminated in conviction and sentence. Being aggrieved by

the same, an appeal has been preferred and the same is pending.

4. Though, this Court does not appreciate the conduct of the petitioner, inasmuch as her counsel having been changed on more than six occasions, this change in counsel seems to have triggered the appellate court to issue NBW against petitioner by cancelling the order of bail which had been granted on 10.10.2017.

5. The records would also disclose that the mother of the petitioner herein, namely, *Ms. Mary Parashar*, is said to have expired for which the death certificate was also produced. Interestingly, the appellate court seemed to have not accepted the death certificate and has directed the jurisdictional Station House Officer (SHO) to ascertain the correctness of the said statement and the certificate.

6. Be that as it may, the second appellant before the appellate court, namely, the petitioner herein had filed an application for exemption due to her health condition,

namely, she was suffering from Herpes Zoster and the exemption application filed on 22.08.2025 came to be allowed and the matter stood adjourned to 04.09.2025 and by the time the first appellant/petitioner herein could reach, the matter had been called, the order of suspension and grant of bail was recalled and NBW issued. Later, on 20.09.2025, petitioner surrendered and sought for grant of bail. Without passing any order on said prayer, taking the petitioner into custody, the matter was adjourned to 23.09.2025 by the appellate court and on the said date, the application for bail came to be rejected.

7. Challenging the same, the petitioner had approached the jurisdictional High Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)/482 of Code of Criminal Procedure, 1973 (CrPC) in CRM-M-56737 of 2025. The said matter is said to be pending before the High Court and has stood adjourned from time to time due to paucity of time. On account of pendency of the appeal before Session Judge, petition/proceedings before High Court has also stood adjourned. Hence, petitioner is before this Court.

8. It is appalling and shocking to note that appellate court having insisted for appearance of the appellant on every date of hearing particularly in the backdrop of the suspension of sentence already passed. *Prima facie* the course open for the appellate court was to either appoint an amicus curiae and hear the appeal on merits and pass appropriate orders thereon or grant an opportunity to the concerned appellant-accused to make alternate arrangement if counsel was not assisting the Court.

9. No doubt, the present appellate proceedings have been pending for more than eight years, which is not justifiable on any ground whatsoever. However, that by itself would not be a ground by which course adopted by the appellate court, could have been resorted to.

10. In that view of the matter, Shri Akshay Amritanshu, learned standing counsel appearing for the State has been requested to take notice on behalf of the respondent no.1-State in this matter who was present in the Court, and he

shall apprise this Court of the extant rules governing the same so as to enable this Court to lay down guidelines in this regard to avoid any such incident recurring in the future.

11. The present proceedings relates to as noted herein above, return of the cheque resulting in proceedings under Section 138 of the NI Act being ignited. Since, a private party is involved, we direct the issuance of notice to the respondent no.2 also and petitioner is permitted to take out notice through dasti also.

12. In the teeth of the above, we have notice that petitioner is a lady, suffering from medical ailments, supported by Doctor's certificate, and as such we are of the considered view that she cannot be allowed to languish in the jail, particularly, when her appeal is still pending adjudication and the sentence had already been suspended. In other words, she is entitled to interim bail.

13. In that view of the matter, we direct the jurisdictional Superintendent of Jail, where she is lodged, to release her forthwith on her executing a self bond in a sum of Rs.1,00,000/- (Rupees One Lakh) forthwith.

14. The Registry is directed to communicate this order to the Superintendent of District Jail, Faridabad by mail and through the local Court. This order shall be complied forthwith by today i.e. 27.11.2025 by 04:00pm.

15. Re-list this matter after three weeks.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)