

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

**CRL. MISC. No.M-33686 OF 2016 (O&M)
DATE OF DECISION : 22nd SEPTEMBER, 2016**

Sarbrinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Amit Arora, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (ORAL)

Notice of motion.

Ms. Rajni Gupta, Addl. A.G. Punjab accepts notice on behalf of the State.

Rule heard forthwith.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner submits that the petitioner was on bail in FIR No.171 dated 01.08.2014 registered under Section 22 of the NDPS Act at Police Station Tarn Taran. He further submits that the challan has not been filed in this case.

Perusal of the impugned order shows that the petitioner was on bail in the said FIR. Counsel for the petitioner has not annexed the order granting her bail. Be that as it may, it appears to me that she was on bail. The petitioner did not appear before the trial Court on the appointed date and that is why the impugned order dated 28.07.2016 was passed and her bail bonds were cancelled and forfeited.

Learned counsel for the petitioner on instructions from the petitioner makes statement that the petitioner hereinafter would not make any default in appearing before the trial Judge and would continue to appear thereafter with promptitude till the trial is completed and would also furnish bail bonds to the satisfaction of the trial Judge, if the impugned order dated 28.07.2016 is set aside.

In view of the fact that the challan has not yet been filed in this FIR which is related to the year 2014, I think the petitioner should be allowed to continue on bail since the same was cancelled for her default in not appearing in the trial court on a particular date.

In that view of the matter, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) Impugned order dated 28.07.2016 is set aside.
- (iii) The petitioner is granted anticipatory bail in the aforesaid FIR.
She would surrender before the trial Court and shall furnish fresh bail bonds to the satisfaction of the trial Court.
- (iv) The petitioner would continue to appear with promptitude till the completion of trial.

22nd SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.