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

CRM-M-37384 of 2016

Date of decision: October 20, 2016

Shinder Kaur alias Kale

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sahil Puri, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Ms. Rajni Gupta, Addl. AG
Punjab accepts notice on behalf of the State.

Heard learned counsel for the rival parties.

The petitioner was on bail during trial in a criminal case under the NDPS Act. The Special Trial was called out for hearing on 22.08.2016 but the petitioner-accused remained absent and therefore, the Special Court, Kapurthala issued non-bailable warrants. Thereafter, the warrants were not served and the trial Court on 20.09.2016 made another order directing issuance of proclamation under Sections 82/83 of Cr. P.C., returnable on 19.11.2016.

Leave to challenge both these orders in the prayer clause in this petition. Amendment be carried out within one week accordingly.

Learned counsel for the petitioner contended that the petitioner has two minor children and this is the first default on her part

for not appearing before the Court because of noting down of wrong date for appearance before the trial Court and her liberty should not be curtailed as she was on bail during trial.

Upon perusal of the papers, I find that the petitioner is being tried for the offences under NDPS Act for non-commercial quantity. The plea made by the petitioner that she should be given one chance to appear before the trial Court and to be on bail, without finding any fault with the impugned order, same needs to be accepted. In that view of the matter, i make the following order:-

ORDER

- (i) The impugned orders dated 22.08.2016 and 20.09.2016 are quashed and set aside.
- (ii) The petitioner shall appear before the trial Court on 19.11.2016. Bail bonds already furnished by the petitioner shall continue in operation and she will not furnish any fresh bail bonds before the trial Court and shall cooperate with the trial Court for expeditious trial.
- (iii) Any further fault on the part of the petitioner would be viewed seriously by the trial Court.
- (iv) Disposed of.

(A.B. CHAUDHARI)
JUDGE

October 20, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No