

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

**CRM-M No.4070 of 2016 (O&M)  
Date of Decision: 09.02.2016**

Sukhwinder Kaur @ Sukhujinder Kaur

..... Petitioner

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Vikas Bali, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab  
for the respondent/State assisted by A.S.I. Nirmal Singh.

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**JASWANT SINGH, J. (Oral)**

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.84 dated 26.05.2014, under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station Lohian, District Jalandhar.

There was a recovery of 200 grams of *Intoxicating Powder* from the person of the petitioner/accused.

Due to non-filing of the challan within the stipulated 180 days, the petitioner was granted default bail under Section 167(2)Cr.P.C. on 11.12.2014 (**Annexure P-2**).

Since the petitioner was subsequently arrested in another FIR under the NDPS Act, she could not present herself on 27.07.2015. An application was moved for a direction to produce her on production warrant and it was directed that the petitioner/accused be presented on production warrant on 22.09.2015. Due to non-implementation of the directions and non-presence of the petitioner/accused being in custody in another case, learned trial Court, vide order dated 22.09.2015 (**Annexure P-4**), cancelled the bail

bonds and issued non bailable warrants of arrest against the petitioner. Thereafter, petitioner/accused moved an application dated NIL (**Annexure P-5**) for making her presence and recalling the order dated 22.09.2015 and restoration of bail/surety bonds but the trial Court, vide order dated 24.09.2015 (**Annexure P-6**), while issuing notice of motion, taken the petitioner into judicial custody.

The said orders (**P-4 and P-6**) were challenged in a revision bearing CRR No.4331 of 2015 before this Court, which was, however, got dismissed as withdrawn with liberty to file an application for regular bail.

Learned State Counsel, assisted by ASI Nirmal Singh, submits that apart from the seized contraband being commercial in nature, the petitioner is stated to be involved in four other cases under the NDPS Act.

Keeping in view the fact that the order cancelling the bail bonds still stands and the petitioner is involved in four other cases apart from the recovery being commercial in nature and in view of the bar provided under Section 37 of the NDPS Act, no case for grant of regular bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

However, it is hoped that the trial Court will take steps to conclude the trial at the earliest.

**February 09, 2016**  
Gagan

**(JASWANT SINGH)**  
**JUDGE**