

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

CRM No.M-5422 of 2016 (O&M)

Date of Decision: 18.02.2016

Mindo Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.324 dated 18.11.2014, under Section 22 of the NDPS Act, registered at Police Station Dharamkot, District Moga.

During the course of arguments, it has gone uncontroverted that the petitioner was arrested on 18.11.2014 and as per prosecution version, the alleged recovery effected from her was of 150 grams of diphenoxylate hydrochloride.

Petitioner was granted regular bail by the trial Court on 22.02.2015.

Pleadings on record would show that on 04.01.2016 the learned Special Judge, Moga recorded that accused/present petitioner was absent without intimation and as such, the bail order stood cancelled and bail bonds and surety bonds were forfeited. On the same date i.e. on 04.01.2016, it has been recorded that the petitioner/accused has surrendered in the Court.

Counsel appearing for the petitioner would submit that the first order cancelling bail had been passed earlier in point of time as there was a mere delay of 1 hour by the petitioner in putting appearance and such

delay was on account of bonafide reasons. It is also not in dispute that the petitioner having been granted bail initially by the trial Court on 22.02.2015 has not misused the concession.

Under such peculiar circumstances, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Moga.

Disposed of.

18.02.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE