

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

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CRM-M-7242-2020.

Date of Decision: 18.02.2020.

Karamjit Kaur alias Karamjeet Kaur

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Amardeep Singh, Advocate for the petitioner.

Lalit Batra, J.(Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail in F.I.R. No.121 dated 26.08.2015 under Section 21 of the N.D.P.S. Act, 1985, registered at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner *inter alia* contends that after commencement of trial in the above said case FIR, petitioner (accused) used to appear in Court on each and every date of hearing but on account of default occurred at her instance on 19.12.2019 especially for the reason that she had noted down the next date of hearing to be 29.12.2019, her presence is being secured through warrant of arrest by trial Court. He further submits that petitioner is ready to join trial which is going on for the last about four years.

Notice of motion.

At the asking of Court, Mr. Harbir Sandhu, Assistant Advocate

General, Punjab, accepts notice on behalf of respondent-State. Complete

copy of paperbook has been supplied to him in Court.

A bare perusal of contents of petition and documents placed on record appears that after presentation of challan, trial had commenced in the year 2016 and petitioner used to appear in Court on each and every date of hearing, but on account of default occurred at her instance on 19.12.2019, her presence in the Court is being secured through warrant of arrest. It appears that above said mistake has occurred at the instance of petitioner on account of mistake in noting down next date of hearing to be 29.12.2019 instead of 19.12.2019.

In this view of the matter, but without commenting anything on the merits of the case, as petitioner has shown her keenness to face trial, instant petition for grant of pre-arrest bail to the petitioner is disposed of in the manner that petitioner shall surrender before trial Court within a week positively from today and on surrender, she shall be enlarged on bail on her furnishing personal/surety bonds to the satisfaction of trial Court. However, it is made clear that trial Court is at liberty to initiate proceedings under Section 446 Cr.P.C. against the petitioner in accordance with law. Meanwhile, no coercive steps shall be initiated against the petitioner pursuant to warrant of arrest already issued against her.

(LALIT BATRA)
JUDGE

18.02.2020

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No