

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

CRM-M-16183 of 2020

Date of Decision :23.06.2020

Roshi Devi

...Petitioner

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr.H.S. Oberoi, Advocate for the petitioner.

B.S.WALIA, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 438 read with Section 482 of Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.74 dated 17.09.2017, registered under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Joga, District Mansa.

3. Brief facts of the case leading to the filing of the instant petition are that vide order Annexure P/2 dated 07.12.2017, the petitioner was admitted to regular bail on her furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount. However, on 04.09.2019, the petitioner did not appear in Court and moved an application for exemption from personal appearance on the ground that she was having work at home and could not attend Court, whereupon, non-bailable warrants were issued against the petitioner for 21.09.2019. Thereafter, the

petitioner filed an application for anticipatory bail alleging that she could not appear before the Court due to illness. However, the same was dismissed on the ground that there was no reasonable ground regarding absence of the petitioner from the proceedings of the Court.

4. Learned counsel for the petitioner contends that the petitioner is 43 years old illiterate lady having a small child and she was suffering from monthly periods and had no intention of not appearing in Court but due to illiteracy and inhibition, she mentioned that she could not appear before the Court whereas she had no intention of not appearing in the Court or of showing disrespect to the Court and that the petitioner will appear on each and every date faithfully.

5. Notice of motion.

6. Mr. Amit Mehta, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and admits that the petitioner was released on regular bail in the aforementioned FIR by virtue of order Annexure P/2 dated 07.12.2017 but bail of the petitioner was cancelled on account of her non-appearance in the Court on 04.09.2019.

6. Having considered the matter as also the undertaking given on behalf of the petitioner to be faithfully present in the Court on each and every date and in view of the fact that the petitioner is illiterate lady having minor child, the present petition is allowed and the petitioner shall not be taken into custody on her appearance before the trial Court on the date fixed. However, the petitioner shall move appropriate application before

the learned trial Court on or before the next date of hearing for restoration of her bail bonds cancelled by virtue of order dated 04.09.2019. Petition disposed of in aforesaid terms.

(B.S.WALIA)
JUDGE

23.06.2020
rajneesh/rajesh

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No