

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

(Heard through VC)

CRM-M-44400 of 2020 (O&M)
Date of Decision: January 05, 2021

Gurmeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.51 dated 06.06.2018, under Section 61 of Excise Act, registered at Police Station Boha, District Mansa.

Learned counsel for the petitioner would contend that by an order dated 17.02.2020, bail granted to the petitioner has been cancelled and surety bonds have been forfeited to state, due to non-appearance of the petitioner. It is argued that it was on account of her illness that the petitioner could not appear in the court on 17.02.2020 and prays for setting aside of the said order.

Notice of motion.

At this stage, Mr. H.S. Sullar, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State

I have heard learned counsel for the parties, apart from perusing the pleadings of the case.

Admittedly, the petitioner herein was already on regular bail and was appearing on each and every date of hearing. Bail of the petitioner-accused has been cancelled by the trial court, on account of her non-appearance on 17.02.2020. Thereafter, the matter could not be taken up before the trial court due to Covid-19 pandemic and was adjourned to various dates.

Keeping in view the fact that the petitioner was continuously attending the court before the trial court and she could not appear on 17.02.2020 because of her illness and thereafter, the matter could not be taken up due to Covid-19 pandemic, as such, no useful purpose would be served in denying the anticipatory bail to the petitioner, which would ultimately delay the trial of the case. Hence, at this stage, without commenting on the merits of the case, the petitioner herein is directed to appear/surrender before the trial court within a period of 10 days from today and on her doing so, the trial court shall release her on bail subject to her furnishing the adequate bail bond and surety bond to its satisfaction. The arrest of the petitioner is accordingly stayed for a period of 10 days from today, making it clear that in case, the petitioner herein fails to surrender/

appear before the trial court within the stipulated period, any interim protection granted to the petitioner today shall stand automatically vacated.

The petition stands allowed in the aforesaid terms.

January 05, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No