

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

SR. No.106

CRM-M-54225-2021

Date of Decision:23.12.2021

Rajdeep Kaur

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. J.S. Warring, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J.

Petitioner prays for grant of pre-arrest bail in FIR No.38 dated 01.03.2018 under Section 15 of the NDPS Act, 1985 registered at Police Station Sangat, District Bathinda.

Notice of motion.

Mr. Tanvir Joshi, AAG, Punjab, accepts notice and copy of the petition has been supplied to him.

Vide order dated 05.04.2018, the petitioner was granted regular bail by the Judge, Special Court, Bathinda and the case was adjourned time and again and ultimately on 01.11.2021 when the petitioner absented herself, the following order was passed by the court below:

“Accused Rajdeep Kaur has not come present without intimation. The case called several time but the accused failed to appear before the court till 4.00. His bail order, bail bonds and surety bonds are cancelled and forfeited to state. He be summoned through Nonailable Warrants for 22.11.2021 and notice to his surety also be issued for the date fixed.”

Learned counsel for the petitioner submits that due to

communication gap, petitioner could not appear before the learned trial court on account of noting wrong date resulting in cancellation of bail bonds, forfeiture of surety bonds and the petitioner has been directed to be summoned through non-bailable warrants of arrest. He further submits that if an opportunity is given, the petitioner is ready to surrender before the learned trial court.

Heard.

Keeping in view the aforesaid facts, the present petition is disposed of with a direction to the petitioner to appear before the learned trial court on the date fixed and file an application for regular bail, which shall be decided by it on the same very day. However, the learned trial Court will be at liberty to proceed against the petitioner under Section 446 Cr.P.C.

Disposed of accordingly.

23.12.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO