

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

CRM-M-11346-2022
Date of Decision: 24.11.2022

MANJEET KAUR @ GURMIT KAUR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C is for quashing of order dated 20.12.2021 (Annexure P-17), vide which, the bail of the petitioner has been cancelled and his bail/surety bonds have been forfeited to the State with a further prayer to restore the surety bonds of the petitioner and she be allowed to appear on the same very bail bonds already furnished before the trial Court in Sessions Case No.NDPS/60/2020 in case FIR No.259 dated 28.09.2019 registered under Sections 21-B, 27(A) (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ratia, District Fatehabad.

2. Vide order dated 17.03.2022, the Co-ordinate Bench of this Court has passed the following order :-

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 20.12.2021 (Annexure P-17) vide which the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State with a further prayer to restore the surety bonds of the petitioner and she be allowed to appear on the same very bail bonds already furnished before the Trial Court in Sessions case No. NDPS/60/2020 in case FIR No. 259 dated 28.09.2019 under Section 21-B, 27 (A) (Act No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner inter alia contends that the petitioner had been falsely arraigned as accused in the aforesaid case. By virtue of the order dated 28.01.2020 passed in CRM-M-49913 of 2019, the petitioner was granted the concession of anticipatory bail by this Court. Thereafter, the petitioner furnished a bail bond and regular bail was granted to the petitioner vide order dated 04.03.2020 by the Special Judge for a sum of Rs.50,000/- with no surety. Learned counsel contends that the petitioner had been regularly appearing before the trial Court on all dates. He places reliance upon the zimni orders that had been appended along with the petition as Annexures P-5 to P-18. It is contended that on 19.10.2021, the matter was adjourned to 20.12.2021. However, the petitioner wrongly noted as 20.01.2022 instead of 20.12.2021. Resultantly, she could not appear before the trial Court on 20.12.2021 when the matter was listed. On account of her absence on the said date, the trial Court had passed an order thereby cancelling bail of the petitioner and forfeiture of her surety bonds to the state.

Learned counsel for the petitioner further undertakes to appear before the trial Court on the date fixed i.e. 18.04.2022.

Notice of motion.

In the meanwhile, the petitioner shall appear before the trial Court on the date fixed i.e. 18.04.2022. Upon the petitioner appearing and surrendering before the trial Court, the bail bonds/surety bonds already furnished by the petitioner before the trial Court shall be revived and she shall be released on interim bail.

Operation of order dated 20.12.2021 is stayed till the next date of hearing.

To come up on 25.07.2022, for further consideration.”

3. Learned counsel for the petitioner submits that pursuant to abovesaid order dated 17.03.2022, the petitioner had appeared before the trial Court and was released on interim bail till 26.07.2022 and vide order dated 26.07.2022, the said interim bail was further extended till today i.e. 24.11.2022.
4. In view of the above, the impugned order dated 20.12.2021 (Annexure P-17) is set aside and order dated 17.03.2022 passed by this Court is made absolute.
5. The petition is disposed of accordingly.

November 24, 2022
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No