

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27830-2022
Date of decision : 30.06.2022

Bimla Kaur

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.P.S.Sekhon, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.c. for quashing of impugned order dated 07.05.2022 and order dated 01.06.2022 vide which the bail granted to the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State in FIR no.49 dated 15.03.2021 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 at Police Station City-I, Sangrur.

Learned counsel for the petitioner has submitted that the alleged recovery from the petitioner was 12 grams of smack which is non-commercial quantity as the commercial quantity starts from 250 grams and the petitioner was granted regular bail by the trial Court and on 07.05.2022 and 01.06.2022 the petitioner could not appear before the trial Court as the Clerk of the counsel for the petitioner had informed that the said case had

07.05.2022 and 01.06.2022, no witness of the prosecution was present and that the petitioner undertakes to appear before the trial Court on each and every date except the date on which the personal appearance of the petitioner is specifically exempted.

Notice of motion.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and has submitted that he is fully prepare to argue the matter and assist this Court. He has opposed the present petition and has submitted that the petitioner had not appeared on 07.05.2022 and 01.06.2022 and had not even filed any application for exemption inspite of the fact that she was aware about the said dates and she had been granted regular bail earlier and thus, the present petition deserves to be dismissed.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner was granted bail by the trial Court. It is the case of the petitioner that she could not appear on 07.05.2022 and 01.06.2022 on account of the fact that clerk of the counsel for the petitioner had informed her on 16.04.2022 that the matter has been adjourned to 06.06.2022. On the said two dates, no witness of the prosecution was present and the case was adjourned to 20.07.2022. The petitioner has undertaken to appear before the trial Court on 20.07.2022 and also on subsequent dates except those dates where her personal appearance is specifically exempted.

Keeping in view the above said facts and circumstances, the present petition is allowed and order dated 07.05.2022 as well as order dated 01.06.2022 to the extent that the bail bonds and surety bonds of the

present petitioner have been cancelled and non-bailable warrants has been issued against the present petitioner, are set aside subject to the petitioner appearing before the trial Court on or before 20.07.2022 and also subject to the petitioner depositing an amount of Rs.5000/- within a period of two weeks in the High Court Lawyers' Welfare Fund, the account number of which is 65018692589 SBI-IFSC: SBIN 0050306 Branch Code 50306, Punjab and Haryana High Court Branch, within a period of two weeks and also subject to the petitioner giving an undertaking before the Court that she would appear on each and every date of hearing till her presence is specifically exempted.

(VIKAS BAHL)
JUDGE

June 30, 2022
Davinder Kumar

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