

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

132

**CRM-M-35148-2022
Decided on : 22.08.2022**

Charanjit Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mikhail Kad, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing/setting aside of the order dated 12.07.2022 (Annexure P-4), passed by learned Judge Special Court, Sangrur, vide which on account of being absent, bail granted to the petitioner has been cancelled and non-bailable warrants have been issued against him in case FIR No. 97, dated 08.08.2018, lodged under Section 22 of the NDPS Act, 1985, registered at Police Station Sherpur, District Sangrur. Besides, petitioner also prays for staying the operation of the impugned order as well as of his arrest, during the pendency of the present petition.

At the outset, very fairly, counsel for the petitioner submits that the petitioner is involved in two other cases under the NDPS Act, yet absence, in the present case was due to the *bona fide* mistake i.e. lack of communication regarding the date fixed in the matter before the trial Court.

For substantiating the said submission, counsel for the petitioner refers to the zimni orders dated 24.03.2022, where, the petitioner is shown to be present before the trial Court and no PW was present on the said date.

Further, refers to the order dated 26.04.2022, wherein, the application for

seeking exemption from personal appearance by the petitioner, was considered and allowed and on the said date too, no PW was present. He further submits that it was only on 12th July, 2022, the petitioner was absent from the Court, which resulted in cancellation of bail and forfeiting of the bail bonds/surety bonds.

Counsel for the petitioner further submits that the petitioner is willing to appear before the trial Court, so that further proceedings of recording of evidence may go on smoothly. He also submits that since on earlier two occasions, PWs were not present and thus, delay in trial cannot be attributed to petitioner's conduct only. Partly, the prosecution agency is also moving very slow in producing its witnesses.

Notice of motion.

Mr. J.S. Arora, DAG, Punjab, who is present in Court, has put in appearance on behalf of the respondent – State.

A copy of the complete paper book has already been supplied to the State counsel and after going through the same, submits that the petitioner is already facing trials in more than one case under the NDPS Act. Therefore, conduct of the petitioner of being absent from the Court should not be taken lightly and the order dated 22nd July, 2022, should be upheld, as the same has been passed as per law.

Considering the aforementioned submissions of both the sides, this Court is of the opinion that once the petitioner undertakes to appear before the trial Court and to cooperate in the proceedings of the trial, it would be in the interest of justice, if petitioner is granted one opportunity to appear before the trial Court. In case, petitioner appears before the trial Court, within a period of 10 days from today, the learned trial Court would

release her on bail, subject to her furnishing requisite fresh bail/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit a specific undertaking that she will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of her conduct.

In view of the above, present petition is allowed and the impugned order dated 12.07.2022 (Annexure P-4), passed by learned Judge Special Court, Sangrur, is hereby quashed.

(SANJAY VASHISTH)
JUDGE

August 22, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*