

CRM-M-41612-2022

DECIDED ON:12th SEPTEMBER, 2022

RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rishab Singla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The present petition has been filed for quashing of impugned order dated 02.11.2021 (Annexure P-3) passed by Judge, Special Court, Jalandhar whereby, bail of the petitioner has been cancelled and her bail bonds and surety bonds stand cancelled and forfeited to State and the presence of the petitioner was procured through warrants of arrest for 14.02.2022. On 14.02.2022, non-bailable warrants of accused were not received back and fresh non-bailable warrants were issued for 17.05.2022. Again on 17.05.2022, non-bailable warrants of accused not received back executed or unexecuted. Accordingly, to procure the presence of the accused a written proclamation under Section 82 Cr.P.C was issued requiring the accused to appear in the Court on 21.10.2022 and warrants of attachment with regard to the property of surety was also issued for the said date.

Learned counsel for the petitioner contends that since the recovery falls within the non-commercial quantity, the petitioner was granted interim bail by learned Judge, Special Court, Jalandhar vide order dated 12.12.2017.

The petitioner was appearing before the trial Court on each and every date but due to some unavoidable circumstances, she could not appear on 05.02.2021, 27.05.2021 and 02.11.2021. Thereafter, apprehending her arrest, she again did not put in appearance on 14.02.2022, 17.05.2022 and 03.08.2022.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State and submits that the petitioner is evading the judicial process with an intention to halt the proceedings in NDPS case wherein recovery of 25 gram of intoxicating powder was made from her conscious possession. Accordingly, she does not deserve the concession of bail.

In the interest of justice, the present petition is disposed of with a liberty to the petitioner to surrender and seek regular bail application the trial Court on the date fixed before it, i.e., 1 2.10.2022 and in case she moves any regular bail application, the same shall be decided by the court concerned on the very same day, in accordance with law.

12th SEPTEMBER, 2022
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>