

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

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CRM-M-46383-2022
Date of decision : 10.10.2022

Suman Kaur

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Prateek Pandit Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of impugned order dated 05.05.2022 passed by learned Judge, Special Court, Kapurthala (**Annexure P-12**) in case FIR No.46 dated 24.03.2017 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala whereby the bail granted to the petitioner was cancelled, non-bailable warrants of arrest was issued against him and his bail bonds and surety bonds were forfeited to the State.

As per the prosecution version, on 24.03.2017 the police party headed by ASI Balkar Singh was on patrolling duty. On suspicion, they apprehended one motorcyclist namely Gurmeet Singh and on search 12 grams heroin was recovered from him. During investigation Gurmeet Singh disclosed the name of the petitioner from whom he purchased the heroin.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused Gurmeet Singh. The petitioner was not apprehended on the spot and nothing was recovered from her. The petitioner was granted regular bail by learned Judge, Special Court, Kapurthala vide order dated 22.08.2017. After presenting of challan the petitioner was regularly appearing before the Trial Court. The petitioner could not appear before the trial Court on 05.05.2022 as she had noted down the wrong date for appearance. Due to the absence of the petitioner non-bailable warrants have been issued against her by the trial Court on 05.05.2022. Absence of the petitioner in the Court was neither intentional nor willful. The petitioner undertakes not to remain absent from the trial in future and she is ready to surrender before the Trial Court. The petitioner will abide by the terms and conditions imposed by the Court.

I have heard learned counsel for the petitioner and gone through the paper-book.

Perusal of the file shows that no sufficient reason has been given by the petitioner for her non-appearance before the Trial Court. Neither the petitioner appear/surrender before the Trial Court till date nor she filed any application for grant of anticipatory bail. Keeping in view the nature of averment and conduct of the petitioner, I do not deem it fit to quash the impugned order dated 05.05.2022.

Dismissed.

However, the petitioner is directed to surrender before the trial Court on or before 03.11.2022 and shall move an application for

grant of bail before the trial Court which shall be decided by the Trial Court expeditiously in accordance with law.

10.10.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No