

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

217

**CRM-M-58459-2022 (O&M)
Date of Decision: 20.12.2022**

PINKY

... Petitioner

Versus

STATE OF U.T. CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

Mr. AM Punchhi, PP UT Chandigarh with
Mr. Anupam Bansal, Advocate.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.192 dated 30.10.2019, registered at Police Station Mauli Jagran, UT Chandigarh, under Section 21 of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner is a resident of Delhi; that initially the petitioner was granted regular bail and she was regularly appearing before the Court below; that on 09.03.2022, due to her illness, the petitioner could not appear before the Court below and moved an application seeking exemption from her personal appearance; that the exemption application was allowed by the trial Court subject to the petitioner furnishing medical record and the matter was adjourned to 10.05.2022; that on 10.05.2022, the petitioner appeared before the Court (though late) but she was unable to produce any medical on record and accordingly, the matter was again adjourned to

01.08.2022 and costs of Rs.500/- was imposed on her and that on 01.08.2022, due to ill-health of the petitioner's son, who is bed ridden and having various ailments, the petitioner was not able to appear before the Court below and thus, her bail/surety bonds were cancelled and forfeited to the State and non-bailable warrants of arrest have been issued. He further submits that the non-appearance of the petitioner is not intentional but for the reasons stated above and that the petitioner is ready and willing to appear before the Court regularly. Still further, it is submitted that the petitioner is facing another FIR No.138 dated 02.07.2022, under Section 22 of the NDPS Act, registered at Police Station Mauli Jagran, Chandigarh and was arrested in the said FIR on 04.08.2022 and since then, she has been in custody.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that time and again the petitioner was directed to produce the medical but she failed to do so and thus, the trial Court has rightly cancelled her bail/surety bonds. He further submits that the petitioner is a person with criminal antecedents, inasmuch, as one more FIR under NDPS Act, is registered and pending against her. Thus, she does not deserve the concession regular bail again.

I have heard the learned counsel for the parties.

As noticed above, the petitioner was initially granted bail. The petitioner was regularly appearing before the Court below but on a solitary date i.e. 01.08.2022 she was unable to appear as her son was not

well. The petitioner has been in custody since 04.08.2022. The petitioner was arrested in FIR No.138 dated 02.07.2022. As per learned counsel for the petitioner, in FIR No.138 dated 02.07.2022, the petitioner is on bail. Prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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