

CRM-M-11477-2023

Date of decision: 15.03.2023

RAJWINDER KAUR @ RAJJI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhishek Sharma, Advocate for the petitioner.

VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 02.07.2022 passed by the learned trial Court vide which the bail bonds and surety bonds of the petitioner have been cancelled and forfeited to the State, she has been ordered to be summoned through non-bailable warrants and notice under Section 446 Cr.P.C to the surety has also been issued.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No.38 dated 12.04.2020, under Section 22 of NDPS Act, 1985 and Section 188 of IPC, 1860, registered at Police Station Subhanpur, Kapurthala. At the earlier instance, the petitioner was granted interim bail by the learned trial Court in terms of order dated 13.05.2020 (Annexure P-2). Subsequently, in terms of order dated 24.09.2020, the interim bail granted to the petitioner was made absolute. It has been further submitted that the bail order has not been cancelled by the learned trial Court and the next date of hearing in the trial Court is stated to be 17.03.2023. The petitioner undertakes to appear before the learned trial Court on the date fixed and meanwhile, she may be protected.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the

respondent-State and submits that the appropriate directions may be issued to the petitioner to surrender in the trial Court and join the proceedings in the trial Court. He further submits that the impugned order was passed as back as on 02.07.2022 and the petitioner has approached this Court after a period of 08 months.

In these circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the trial Court on 17.03.2023 and shall submit fresh bail bonds in terms of orders dated 13.05.2020/24.09.2020 passed by the learned trial Court. Meanwhile, the arrest of the petitioner may not be effected till 17.03.2023. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and the surety. Moreover, learned trial Court will also look into the aspect of delay on the part of the petitioner in approaching this Court and surrendering in the trial Court while passing appropriate orders in the proceedings under Section 446 Cr.P.C.

15.03.2023
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(VIVEK PURI)
JUDGE

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