

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.121

Case No. : CRM-M-12208-2023

Date of Decision : March 14, 2023

Sandeep Kaur alias Sheepa Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. for quashing the order dated 26.08.2022 (Annexure P-14), vide which bail of the petitioner has been cancelled and her bail bonds forfeited to the State. A further prayer for restoration of surety bonds of the petitioner has been made so that she may appear on the same very bail bonds before the learned Trial Court in FIR No.452 dated 29.08.2018, under Sections 21(b), Act No.61 of NDPS Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

Learned counsel for the petitioner has submitted that as per the prosecution version, 15 grams heroine was recovered from the petitioner. She was arrested and released on regular bail on 26.09.2018 (Annexure P-2). Thereafter, challan was presented. Charge was framed. The petitioner regularly attended the Court. During the pendency of the aforesaid case,

another false case bearing FIR No.112 dated 08.04.2022, under Sections 21(b), 27-A of NDPS Act was registered against her and she was arrested on 08.04.2022. The petitioner got regular bail in this case on 07.09.2022 by this Court in **CRM-M-34787-2022**. Therefore, it is apparent that she could not appear in the Court on 26.08.2022 as she was in custody in another case on the day of her absence.

Learned counsel for the petitioner has further submitted that the petitioner is a lady and has a 1-1/2 years old daughter. There is no one to look after the daughter. So, it has been prayed that her case be viewed in a sympathetic manner.

Notice of motion.

Pursuant to advance notice, Mr. Karan Sharma, DAG, Haryana has put in appearance on behalf of respondent-State.

A perusal of record shows that the petitioner absented herself from appearing in the Court on 26.08.2022. Consequently, her bail was ordered to be cancelled and bail bonds were forfeited to the State. However, from the order passed by a Co-ordinate Bench of this Court in **CRM-M-34787-2022** dated 07.09.2022, it is clear that the petitioner was apprehended in that case on 08.04.2022 and was release don 07.09.2022. So, the petitioner was in custody in some other case when she could not appear before the Trial Court. The absence of the petitioner was beyond her control.

Keeping in view the peculiar circumstances of the case, the petitioner is directed to surrender before the Trial Court within 15 days and

move an application for bail, explaining all the circumstances. The said

application shall be decided on the same day, keeping in view the fact that the petitioner was in custody in some other case on the date of her absence.

The present petition stands disposed of in the above terms.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

March 14, 2023

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(GURBIR SINGH)

JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.