

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

2023:PHHC:040320
CRM-M-13962-2023
Date of Decision: 20.03.2023

Sandeep Kaur alias Sheepa

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 07.10.2022, vide which the bail of the petitioner has been cancelled and her bail bonds/surety bonds have been forfeited to the State in a case FIR No.380, dated 22.07.2018, registered under Sections 21(a), 27-A (Act No.61) of NDPS Act, 1985, at Police Station Sadar Rattia, District Fatehabad.

It has been contended by learned counsel for the petitioner that the petitioner is mother of two years child. He submits that the petitioner was granted bail by the learned Special Court on 03.10.2018. He submits that the petitioner was regularly appearing before the trial Court, however, on 07.10.2022 she could not appear as she was behind the bars in some other case. He submits that absence of the petitioner from the Court on the date of hearing was totally unintentional and it is apparent from the record that she had been appearing regularly before the trial Court on all the dates. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition imposed by this Court.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly cancelled the bail of the petitioner. He submits that the petitioner is facing prosecution in four other cases under the NDPS Act.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner is involved in six more cases, out of which in two cases she has been acquitted, however, four other cases are still under trial. However, keeping in view the facts and circumstances that the contraband recovered from the co-accused was 4.5 grams of heroin, which falls in the category of non-commercial quantity and the petitioner was behind bars in some other case on 07.10.2022, when her bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 07.10.2022 is set aside subject to payment of Rs.20,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

The present petition is disposed of and the petitioner is directed to appear before the trial Court within 10 days from today and produce the receipt of abovesaid costs alongwith appropriate application and the trial Court would admit her to bail on her furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of

10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 07.10.2022 will come in force.

20.03.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
: Yes/No
: Yes/No