

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-33478-2023 (O&M)

Date of Decision: 14.07.2023

Simran @ Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ramesh Sharma, Advocate,
for the petitioner.

VIKAS SURI, J.

The instant petition preferred under Section 482 Cr.P.C. is for quashing of order dated 19.01.2023 (Annexure P-2), whereby the bail of the petitioner was cancelled along with her co-accused Kulwinder and their bail bonds/surety bonds were also cancelled and forfeited to the State and non-bailable warrants of arrest have been issued in a case bearing number CIS No.NDPS/1521/2018 pertaining to FIR No.79 dated 09.05.2018, under Sections 21 and 22 of NDPS Act, 1985, registered at P.S. Sadar Jalandhar, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner contends that the alleged recovery of 2 grams of heroin effected from the petitioner is non-commercial. It is submitted that the petitioner was earlier granted bail by the Special Court. He submits that the FIR pertains to the year 2018 and the petitioner was regularly appearing before the trial Court. It is averred that the petitioner could not appear before the trial Court on 19.01.2023 due to

having noted a wrong date in the case, when her bail was cancelled. He submits that absence of the petitioner from the Court on the date of hearing was totally unintentional. It is also pleaded that non-bailable warrants were issued against the petitioner for 01.03.2023 and the case is now fixed for 15.07.2023 to await the presence of the accused. The petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by the Court. He submits that the petitioner is keen to join the proceedings. Learned counsel also submits that even though the petitioner is a lady of limited means and has been deserted by her husband, she volunteers to deposit a sum of Rs.15,000/- for any social cause to benefit the society at large.

Notice of motion.

On advance notice, Mr. Sanish Girdhar, AAG, Punjab, puts in appearance on behalf of the State and waives service.

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, who failed to appear before the Court on the date fixed.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner remained absent on 19.01.2023 and her bail was cancelled and bail bonds were forfeited to the State and she was ordered to be summoned through non-bailable warrants. The reason for her absence has been given as noting down of a wrong date. As the petitioner is

keen to join the proceedings, no useful purpose would be served by sending her behind the bars rather it will be appropriate if she is allowed to join the proceedings in the main case. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 19.01.2023 is set aside subject to payment of Rs.15,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of 05 days from today.

In case the petitioner appears and surrenders before the Court concerned within a period of 07 days from today and files an appropriate application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit her to bail subject to its satisfaction and proceed with the trial in accordance with law. She will have protection from arrest for a period of 07 days form today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, she will have no benefit of above said protection granted by this Court and order under challenge dated 19.01.2023 would come in force.

July 14, 2023

Harish

(VIKAS SURI)
JUDGE

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