

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

129

CRM-M-38471-2023 (O&M)

Date of decision: 07.08.2023

Preeti

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Arti Kaur, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition under Section 482 of the Cr.P.C. has been filed for quashing the impugned order dated 21.07.2023, Annexure P-5, passed by learned Additional District and Sessions Judge, SBS Nagar, whereby the bail order of the petitioner was cancelled and bail bonds and surety bonds were forfeited to the State.

2. Learned counsel submits that the petitioner had been granted regular bail vide order dated 11.05.2023, Annexure P-2, wherein allegedly non-commercial quantity of contraband, it being 10 grams of heroin, was recovered from her. She continued to appear on all dates of hearing, as is reflected from the zimni orders Annexure P-3, but for 21.07.2023, as her sister-in-law had passed away on 12.07.2023 and her bhog ceremony had to take place on the aforesaid date in village Gaana, regarding which even an application seeking exemption from personal appearance was filed, Annexure P-4. However, the bail of the petitioner was cancelled leading to issuance of non-bailable warrants against her for 10.08.2023. She, however, submits that the absence was neither willful nor deliberate and was on account of the reason aforesaid. She further submits that the

petitioner is ready and willing to join the proceedings, and prays that one opportunity may be granted for the petitioner to surrender before the learned trial Court, which may even be, subject to payment of costs. Reliance is placed upon the orders of this Court in CRM-M-38277-2022 dated 26.08.2022 titled as **Surjit Singh Vs. State of Punjab**; CRM-M-39000-2022, titled as **Raghav vs. State of Punjab** decided on 9.9.2022 and CRM-M-36490-2022, **Major Singh vs. State of Punjab**, decided on 15.9.2022.

3. The learned counsel further prays that he be allowed to remain on the same bail bonds and surety bonds, which had already been submitted by him before the learned trial Court. He also relies on the judgment passed by a Coordinate Bench of this Court in “**Nitin Monga vs. State of Punjab and another**”, reported in 2017 (2) L.A.R. 342 and **Paramjit Singh @ Pammi vs. State of Haryana** 2021(4) PLR 470, wherein also the petitioner therein had been granted bail on the earlier bail bonds furnished by him before the trial court.

4. Notice of motion.

5. Mr. Manipal Singh Atwal, DAG Punjab, who has appeared on receipt of advance copy of the petition, opposes the petition by submitting that the impugned order is legal and valid and has been rightly passed by the learned trial Court on account of non-appearance of the petitioner.

6. Heard.

7. The order of non-bailable warrants was passed on 21.07.2023 for 10.08.2023. The present petition has been filed on 02.08.2023, which shows the bona fide of the petitioner to appear before the trial Court and join proceedings.

8. The very purpose of issuance of non-bailable warrants, is to compel and secure the presence of the accused to face trial and establish the rule of law, as

also to ensure finalization of the proceedings.

9. Adverting to the facts of the present case that on account of death of sister-in-law of the petitioner, she could not appear before the trial Court appears to be justified explanation. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon her to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner being not wilful or deliberate and her readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather her joining the proceedings would help expediting the trial. Thus, in order to make the ends of justice met and finding judgments referred to above being applicable to the instant case, the present petition deserves to be allowed.

10. In view of afore-referred orders and the facts and circumstances of this case, the petitioner is directed to surrender before the trial Court on or before 10.08.2023 and deposit Rs.10,000/- with the District Bar Association, SBS Nagar, The petitioner be allowed to remain on the same bail/ surety bonds as has been furnished by her at the time for granting regular bail, in view of the orders in the cases of **Nitin Monga, Paramjit Singh @ Pammi** as well as **Raghav** (supra). On so doing, the trial Court shall release her on bail subject to its satisfaction. She is also directed to furnish an undertaking by way of an affidavit that she will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. She shall also surrender her passport and will not leave the country without prior permission of the Court and the trial Court may impose any

other condition that it may deem appropriate in the facts and circumstances of the present case.

11. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

07.08.2023

S.Sharma(syr)

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