

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

**CRM-M No. 6930 of 2024 (O&M)
Date of Decision: 09.02.2024**

Smt. Rajwinder Kaur
..... Petitioner

Versus

State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saksham Dudeja, Advocate
for the petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 05.04.2023 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana, in FIR No. 126 dated 29.07.2019, under Section 22 of NDPS Act, registered at Police Station Koom Kalan, Police Commissionerate Ludhiana, District Ludhiana, whereby the bail of petitioner has been cancelled alongwith forfeiture of her her bail / surety bonds to the State due to non-appearance.

[2] In the present case, having been implicated in FIR (supra), the petitioner was granted concession of regular bail and continued to appear before the Trial Court thereafter, but for 05.04.2023 when on account of death of her son, she could not appear before the trial Court, resulting into cancellation of her bail.

[3] While impugning the aforesaid order dated 05.04.2023 (P-4), learned counsel for the petitioner submits that non-appearance of the

petitioner was wholly unintentional as the petitioner never intended to evade the process of law. It has been further submitted that since 05.04.2023 till today, the petitioner never indulged herself in any kind of criminal activity and she is ready to surrender before the Trial Court to join the proceedings.

[4] On the other hand, prayer has been opposed at the instance of learned State Counsel while submitting that the petitioner absented herself on 05.04.2023 whereas she has approached this Court only in the month of February, 2024 i.e. after a period of almost 10 months and in the meanwhile the Trial Court had initiated all necessary steps to secure presence of the petitioner, but to no effect as the petitioner was evading the process of law with deliberate intent.

[5] I have heard learned counsel for the parties and gone through the paper book.

[6] Considering the fact that the petitioner could not appear before the Trial Court on 05.04.2023 on account of death of her son, besides, nature of FIR registered against her and the fact that she never indulged herself in any kind of criminal activity post 05.04.2023 till date and also that she is ready to join the proceedings before the Trial Court, purely in the interest of justice, the order dated 05.04.2023 (P-4) passed by the learned Additional Sessions Judge, Ludhiana, is set aside. The petitioner is directed to appear before the Trial Court concerned within a period of 07 (seven) days and furnish her fresh bail bonds / surety bonds to its satisfaction and till then, no coercive steps shall be taken against her.

[7] **Disposed off** accordingly.

[8] This order, however, shall be subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority, Ludhiana, within a period of one week from the date of receipt of certified copy of this order.

February 09, 2024

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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No