



138 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22241-2024
Decided on:-06.05.2024

Manjit Kaur

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tushar Sharma, Advocate,
for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, prayer has been made for quashing the order dated 26.10.2023 (Annexure P-4) passed by learned Judge, Special Court, Moga, whereby, non-bailable warrants and proclamation have been issued against the petitioner for securing her presence, followed by her declaration as proclaimed person vide order dated 24.04.2024 (Annexure P-5).

2. Briefly stating, having been implicated as an accused in FIR No.92 dated 11.07.2019, registered under Section 21 of the NDPS Act, 1985, at Police Station Kot Ise Khan, District Moga, petitioner was granted concession of regular bail vide order dated 30.07.2019 passed by the Court of Judge, Special Court, Moga and since then, she was regularly

participating in the proceedings, but for one date i.e. 26.10.2023, when

petitioner could not appear before the trial Court on account of noting down wrong date, resulting into issuance of non-bailable and proclamation against her vide order dated 26.10.2023, followed by her declaration as proclaimed person vide order dated 24.04.2024.

3. Impugning the aforesaid, learned counsel for the petitioner submits that on 26.10.2023, the petitioner could not appear before the trial Court on account of having noted down wrong date due to which she had no information about further dates. Moreover, petitioner is ready to surrender before the Trial Court to join the proceedings, besides it, learned counsel on instructions submits that the petitioner even volunteers to serve the public cause by providing ten (10) pieces of Oxygen flowmeter and one (01) piece ECG Machine, to the Civil Hospital, Moga.

4. Notice of motion.

5. Upon advance notice, Mr. Athar Ahmed, DAG, Punjab appears on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against her, petitioner chose not to submit herself to the jurisdiction of the Court and, thus, impugned orders warrant no interference.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Considering the fact that the petitioner could not appear before the Trial Court on 26.10.2023 due to the reason that she noted down wrong date, and the fact that she is ready to join the proceedings before the Trial Court, the present petition is allowed and the orders dated 26.10.2023 and

24.04.2024 passed by the Judge, Special Court, Moga are set aside with a direction to the petitioner to appear before the Trial Court within a period of ten (10) days from today and furnish her adequate bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioner shall also file an affidavit that she will appear on each and every date of hearing except in case of the exemptions specifically granted by the Court concerned.

8. The aforesaid order, however, shall be subject to providing ten (10) pieces of Oxygen flowmeter and one (01) piece ECG Machine to the Civil Hospital, Moga as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. The copy of receipt shall also be produced before the Trial Court. Till then, no coercive steps be taken against the petitioner.

06.05.2024
sonika

(HARKESH MANUJA)
JUDGE

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