



CRM-M No.28448 of 2024

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

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**CRM-M No.28448 of 2024
Date of Decision: 31.05.2024**

NILA ALIAS NEELA AND ANOTHERPetitioner(s)
Vs
STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Inderpreet Singh Kooner, Advocate
for the petitioners.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 18.03.2024 passed by the Addl. District and Sessions Judge, Patiala, whereby bail of the petitioners was cancelled and their bail bonds/surety bonds were forfeited to the State resulting into issuance of non-bailable warrants against them.

[2]. Briefly stating, having been implicated in FIR No.0008 dated 20.01.2021 registered under Section 15 of the NDPS Act, 1985 at P.S. Kheri Gandian, District Patiala, petitioners were granted the concession of bail by the Judge Special Court, Patiala and since then, they were regularly participating in the proceedings, however on 09.01.2024, petitioner No.1 could not appear as he was in custody in relation to FIR No.83 dated 29.04.2016 registered under Section 15 of the NDPS Act, 1985 vide judgment and order of conviction dated 03.06.2023 and was granted suspension of sentence by this Court vide order dated 02.04.2024 passed in CRM No.11525 of 2024 in CRA-S No.1802 of 2023. Petitioner No.2 also could not appear before the Court concerned as she was suffering hardship on account of her husband (petitioner No.1) being in custody, thereby resulting into cancellation of their bail and forfeiture of bail bonds/surety bonds to the State



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followed by issuance of non-bailable warrants against them vide order dated 18.03.2024.

[3]. Impugning the aforesaid order, learned counsel for the petitioners submits that non-appearance of the petitioners was wholly unintentional as the petitioners never intended to evade the process of law. It has been further submitted that the petitioners are ready to surrender before the Trial Court to join the proceedings.

[4]. Notice of motion.

[5]. On asking of the Court, Mr. Siddharth Sandhu, Asstt. A.G., Punjab accepts notice on behalf of respondent/State and opposes the prayer made on behalf of the petitioners while submitting that the petitioners despite having knowledge about the pendency of proceedings, deliberately chose not to appear before the Trial Court resulting into cancellation of his bail and forfeiture of bail bonds/surety bonds to the State, thus the impugned order warrants no interference.

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

[7]. Considering the fact that the petitioner No.1 did not appear before the Trial Court on account of he being in custody in relation to FIR No.83 dated 29.04.2016 registered under Section 15 of the NDPS Act, 1985 and petitioner No.2 was suffering hardship on account of her husband (petitioner No.1) being in custody and also that they are ready to join the proceedings before the Trial Court, the present petition is allowed and the order dated 18.03.2024 passed by the Addl. District and Sessions Judge, Patiala is set aside with a direction to the petitioners to appear before the Trial Court within a period of ten (10) days from today and furnish adequate bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioners shall also file an affidavit that they will appear on each and every date of hearing except in case of the exemptions specifically granted by the Court concerned. Till then, no coercive steps be taken against the petitioners.



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[8]. The aforesaid order, however, shall be subject payment of cost(s) of Rs.5,000/- to be deposited with Nishkam Sewa Group (For Charitable Work) Run by Punjab & Haryana High Court Lawyers at Chandigarh. The copy of receipt shall also be produced before the Trial Court.

May 31, 2024
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(HARKESH MANUJA)
JUDGE

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