

2024.PHHC:157101



117.

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

CRM-M-54339-2024

Date of decision: 27.11.2024

Palo

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Impinder Singh Dhaliwal, Advocate, for the petitioner.

GURBIR SINGH, J.(Oral)

1. Challenge in this petition is to the order dated 05.06.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Sri Muktsar Sahib, vide which, bail granted to the petitioner (in case FIR No.116, dated 19.08.2022, under Section 15(b), 27, 29 of NDPS Act, 1985, Police Station Sadar Malout, District Sri Muktsar Sahib) has been cancelled and bail bonds and surety bonds have been forfeited to the State and non-bailable warrant has been issued against her.

2. As per prosecution version, on 19.08.2022 when the police party was on patrol duty, on suspicion, the petitioner was apprehended and on search, poppy husk of 3 kgs was recovered from her.

2.1 Vide order dated 27.03.2023 passed in CRM-M-55902-2022, the petitioner was granted bail by this Court, but on 05.06.2024, she could not appear before the court and the impugned order was passed.

3. It is submitted that the petitioner could not appear before the

court as she noted down wrong date as 05.07.2024 instead of 05.06.2024.

Petitioner is an old lady and her non-appearance before the court was neither intentional nor willful.

4. Notice of motion.

5. Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of respondent-State. She submits that the petitioner is a previous convict and intentionally failed to appear before the court.

6. I have heard the submissions of learned counsel for the parties.

7. The order dated 05.06.2024 (Annexure P-3) reads as under:

“Case called several times but none has come present on behalf of accused. As such, the bail bonds and surety bonds of the accused stands cancelled and forfeited to State and accused be summoned through non-bailable warrants for 11.09.2024. Notice to surety be also issued.”

8. Since the order dated 27.03.2023 passed by this Court is intact, so petitioner is entitled to bail when she surrenders before the court and furnishes fresh bail bonds/surety bonds as per order dated 27.03.2023. Thus, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court within a week and in case, she moves an application for furnishing fresh bail bonds/surety bonds as per order dated 27.03.2023, she shall be admitted to bail, in accordance with law.

(GURBIR SINGH)
JUDGE

November 27, 2024
sanjeev

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