



CRM-M-56242-2024

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

CRM-M-56242-2024

Date of Decision: 13.11.2024

Sarabjit Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aditya Anand, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the orders dated 11.07.2022, 23.09.2022, 17.02.2023, 13.04.2023, 29.05.2023, 13.10.2023, 22.01.2024, 29.04.2024, 16.08.2024 and 18.10.2024 (Annexures P-4 to P-13) passed by learned Judge, Special Court, Kapurthala, whereby bail of the petitioner was cancelled and she was ordered to be summoned through non-bailable warrants, in case NDPS-183-2022 arising out of FIR No.148, dated 30.07.2021 under Sections 21-29-61-85 of NDPS Act, 1985 registered at Police Station Subhanpur, District Kapurthala.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was nominated in the present case as an accused on the basis of disclosure statement of co-accused. He submits that the petitioner was granted anticipatory bail by learned trial Court on 17.09.2021 and thereafter, she was regularly appearing before it. He submits that the petitioner was informed that the case qua her stood closed, however, on 11.07.2022, due to her non-appearance, her bail was cancelled and bail/surety bonds were forfeited to the State and she was ordered to be summoned through warrants of arrest. He submits that absence of the



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petitioner was totally unintentional and due to the circumstances beyond her control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has further submitted that the learned trial Court has rightly cancelled the bail of the petitioner as on various dates of hearing she failed to appear before it.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that due to mis-communication, the petitioner failed to appear before the trial Court on 11.07.2022 and on account of which her bail was cancelled and bail bonds/surety bonds were forfeited to the State and she was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 11.07.2022 is set aside subject to payment of Rs.10,000/- as cost to be paid to Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh by the petitioner within period of seven days from today.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant her bail till the disposal of the case on her furnishing fresh bail/surety bonds to its

satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting her to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to her and the order dated 11.07.2022 alongwith subsequent orders under challenge will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

13.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No