



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

138

CRM-M-7443-2025

Date of decision: 10.02.2025

Amarjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rajwinder Kaur Sandhu, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 16.11.2024 (Annexure P-3) passed by learned Addl. Sessions Judge, Sri Muktsar Sahib in case FIR No.0268 dated 05.10.2020 under Sections 21(a),22,61 of NDPS Act, 1985 registered at P.S Gidderbaha, District Sri Muktsar Sahib whereby bail of the petitioner has been cancelled and his surety bonds stand forfeited to State.

Learned counsel for the petitioner submits the petitioner has been regularly appearing on each and every date of hearing. He could not appear on the date fixed as he was lodged in judicial lock up in Sirsa Jail in another FIR No.387 dated 10.10.2024 under Section 21(b) of NDPS Act. Even application for grant of exemption could not be filed on account of that sole reason. The Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.



On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and considering the absence of the petitioner before the trial Court on 16.11.2024 to be bonafide, which was beyond the control of the petitioner and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.02.2025
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No