

2025:PHHC:101334



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

CRM-M-16136-2025 (O&M)

Reserved on : 04.08.2025

Pronounced on : 07.08.2025

Seema

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manan Bhardwaj, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 69 dated 19.03.2021, registered under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Maqboolpura, District Amritsar.

2. Learned counsel for the petitioner has submitted that she was arrested and granted concession of regular bail by the Court of learned Session Judge, Amritsar. Subsequently, challan was presented in the Court in her absence and due to the said fact, she could not appear before the learned trial Court, which resulted into initiation of proclamation proceedings against her and ultimately, she was declared a proclaimed person on 20.07.2024. Subsequently, she was again arrested on 27.07.2024 is in custody since then.

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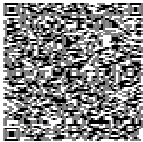
3. It is argued by learned counsel for the petitioner that she could not appear before the learned trial Court as she never received any notice from the said Court. She was not aware about the factum of the presentation of the challan. She is in custody since long. She is ready to abide by terms and conditions to be imposed upon him. Co-accused Surinder Singh @ Sawinder Singh @ Shinda, who was also declared a proclaimed person and was re-arrested 12.10.2024, has been granted concession of regular bail by this Court, vide order dated 28.04.2025 passed in CRM-M-20928-2025. On the grounds of parity, the petitioner too deserves the same benefit. Accordingly, it is urged that petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations against the petitioner as well as the fact she had previously absented herself from Court proceedings and was declared proclaimed person, she is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have carefully gone through the material placed on record.

6. The petitioner was previously extended benefit of regular bail. She had subsequently absented and was declared a proclaimed person. Now she is in custody since 27.07.2024. The conclusion of trial would take time. The absence of the petitioner before the learned trial Court was obviously due to her carelessness but the same does not attract consequence of keeping her in custody during entire trial. Keeping in view the period of incarceration of the petitioner and the attendant facts and circumstances but without

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meaning to make any comment on the merits of the case, lest the same prejudices to trial, I am of the considered opinion that petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to her furnishing fresh personal bonds and two sureties to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/CJM concerned.

07.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No