



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

**CRM-M-25458-2025 (O&M)
Date of Decision: 19.05.2025**

REKHA ARORA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navraj Singh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking quashing of impugned order dated 28.04.2025 (Annexure P-2) passed by learned Judge, Special Court, Faridkot in trial of the case No. NDPS-09-2024 in FIR No. 430 dated 05.12.2023 (Annexure P-1) under Section 21(b) of NDPS Act and Sections 42 and 52-A of Prisons Act, 1894 registered at Police Station City Faridkot District Faridkot vide which non-bailable warrants have been issued against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was on anticipatory bail granted by this Court vide order dated 10.04.2024 (Annexure P-4). However, on 28.04.2024, the petitioner had not received any notice by learned trial Court and she was summoned through non-bailable warrants for 28.05.2025.

3. Learned counsel for the petitioner *inter alia* contends that non-appearance of the petitioner was not deliberate or intentional and thus, aggrieved by the said order, she has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner.



4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice for the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner, however, it is not disputed by him that petitioner was already on anticipatory bail granted by this Court.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. Many a times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and, therefore, it necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance before the Court is justified and, therefore, the same is accepted.

9. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

10. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before the trial Court. The petitioner in the

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present case has herself come forward and has undertaken to appear before the trial Court on each and every date.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 28.04.2025 (Annexure P-2), vide which non-bailable warrants were issued against her, is hereby set aside.

12. Petitioner is directed to appear before the trial Court within a period of two weeks from today and on her doing so, she shall be admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of the trial Court, subject to cost of Rs.10,000/- to be deposited with Poor Patients Welfare Funds, PGIMER, Chandigarh for wasting precious time of the Court.

13. The receipt of payment of costs imposed must be presented before learned trial Court. The learned Court below is directed grant bail to the petitioner only upon verification of payment of said cost.

14. It is made clear that in case, petitioner fails to appear before the trial Court within a stipulated period and to deposit the aforesaid cost, the interim protection granted by this Court shall be deemed to be vacated.

19.05.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>