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

**CRM-M-27066-2025 (O&M)
Date of decision: 20.05.2025**

Gurmeet Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

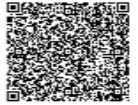
Present: Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.1 dated 05.01.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Lakhewali, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is 63 years of age and is a widow. After the death of her husband, she is working as labourer at one place or another. Initially, she was released on regular bail by learned Judge, Special Court, Sri Muktsar Sahib vide order dated 05.02.2020. Thereafter, the petitioner was regularly appearing before



learned trial Court, however, due to age related ailments, she could not appear and final report under Section 193 of BNSS (*erstwhile Section 173 of the Code of Criminal Procedure, 1973*) was presented in her absence and non-bailable warrants have also been issued against her. Further, quantity involved in the present is non-commercial in nature, as such, embargo under Section 37 of NDPS Act would not apply to the facts of the present case. It is further contended that the petitioner is not involved in any other case and she undertakes to appear before learned trial Court on each and every date.

3. *Per contra*, learned State counsel opposes the prayer made by the petitioner on the ground that the petitioner absented herself without any justifiable cause. As such, learned Judge, Special Court, Sri Muktsar Sahib has rightly issued non-bailable warrants to secure presence of the petitioner.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was granted regular bail by learned Judge, Special Court, Sri Muktsar Sahib on 05.02.2020. The petitioner is a widow, aged about 63 years and she belongs to marginal section of the society.

5. A perusal of the record reflects that learned trial Court proceeded to pass the extreme order of cancellation of bail. 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 learned trial Court is justified and, therefore, the same is accepted.



6. 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.

7. The sole purpose of issuance of non-bailable warrants is to secure presence of the accused before learned trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before learned trial Court on each and every date.

8. In view of the aforesaid facts and circumstances, present petition is allowed and the petitioner is directed to appear before learned trial Court within a period of three weeks from today and on her doing so, she will be admitted to bail on the bail/surety bonds already furnished by her.

9. All the pending miscellaneous application(s), if any, shall stand disposed of.

20.05.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No