

CRM-M-23053-2015 (O&M)

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

**CRM-M-23053-2015 (O&M).
Decided on: September 7, 2015.**

Harjinder Kaur @ Billi

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.B.S.Kathuria, Advocate,
for the petitioner.**

Mr.Jashan Preet Singh, AAG., Punjab.

M.M.S. BEDI, J. (ORAL)

This is the third application for the grant of regular bail in a case of recovery of 40 kgs. of poppy husk on 20.6.2013, on the basis of secret information from Canter while the accused escaped in a Scoprio. A secret information was received by the police that Gurnam Singh, petitioner Harjinder Kaur along with Jagga Singh, Bahadur Singh, Gurmej Singh, Makhan Singh and Mukhtiar Singh are indulging in the sale of poppy husk and that in case a raid be conducted they could be arrested along with poppy husk. On the basis of secret information, the FIR was registered and raid was conducted at the place intimated by the informant. The petitioner is stated to be involved in 7 other cases. Her address is also mentioned in the FIR. Though she allegedly escaped from the spot but ultimately

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she was arrested after a period of more than one year on 25.7.2014. She has been in custody for the last about one year. Four witnesses have already been examined.

I have heard the counsel for the petitioner and gone through the police file and I am of the opinion that the FIR in the present case was registered merely on the basis of secret information prior to the recoveries having been effected. The petitioner is a lady who was arrested after more than a period of one year.

Without expression of any opinion on merits, I am of the considered opinion that it will certainly be a debatable issue whether in above said circumstances, she could be said to have been found in actual physical possession of poppy husk alleged to have been recovered from the Canter. Taking into consideration the period of detention suffered by the petitioner coupled with the above said circumstances, the petitioner can be granted the concession of bail on the ground that she is lady.

The petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will not indulge in similar activity during pendency of the trial. In case of any such eventuality, it will be open to the prosecution agency to seek cancellation of the bail.

This order is not intended to be read as a precedent

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for co-accused of the petitioner.

(M.M.S.BEDI)
JUDGE

September 7, 2015.
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