

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.27788 of 2015

Date of Decision:-31.08.2015

Babbi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Zorawar Singh Chauhan, Advocate for the Petitioner.

Mr. K.S. Sidhu, Deputy Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner-Babbi wife of Nirmal Singh in case FIR No.17 dated 10.02.2014 for offence punishable under Section 22 of the Narcotics Drugs and Psychotropic Substances Act registered with Police Station Garhshankar, District Hoshiarpur.

As per the standard allegations a recovery of 105 grams of intoxicated powder was recovered from her person while intercepting her on patrolling duty near the bridge of a Canal in village Denowal. On receipt of the chemical examiner report the said quantity has been opined to be commercial in nature.

It is stated that the petitioner is a lady and a false case has been foisted upon her as is apparent from the standard allegations in the FIR. It

is then submitted that the petitioner is in custody since 10.02.2014 and only two out of nine formal witnesses have been examined till today.

Learned State Counsel on instructions from HC Rachhpal Singh concedes that the charges were framed on 22.09.2014 and is unable to explain the delay in concluding the evidence or non examination of the formal witnesses. He, however, states that another case under the NDPS Act stands registered against the petitioner for recovery of 31kg of Poppy Husk, which is non commercial quantity.

After hearing learned Counsel for the parties, the complicity of the petitioner appears to be doubtful. However, be that as it may, the petitioner being a lady has already suffered a protracted trial and is in custody since last more than 1-1/2 years, therefore, this Court is of the opinion that the petitioner deserves the concession of bail and as such she is ordered to be released on bail to the satisfaction of Judge Special Court/trial Court, Hoshiarpur.

(JASWANT SINGH)
JUDGE

August 31, 2015
Vinay