

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-37299 of 2014
Date of Decision: - 27.01.2015

Sarabjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Fariad Singh Virk, Advocate, for the petitioner.

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner has preferred the instant petition for the grant of regular bail, in a case registered against her along with her husband and main accused Bhag Singh son of Hakam Singh, vide FIR No.39 dated 29.01.2013, on accusation of having committed the offences punishable under Sections 18 & 22 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as 'the NDPS Act'), by the police of Police Station Tripuri, District Patiala.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter-alia*, claimed that Bhag Singh, husband of the petitioner, was undergoing sentence of imprisonment, in some other criminal case in Central Jail, Patiala. On 29.01.2013, 1400 Microlet tablets and 10 gms opium were recovered from his possession in jail premises, which were stated to have been supplied by the petitioner. Learned State counsel, on instructions from ASI Joginder Singh, has fairly acknowledged that there is no direct evidence to prove that the Microlet tablets and opium were supplied by the petitioner, except the disclosure statement of her husband Bhag Singh. Indisputably, the prosecution has not recorded the statement of any other witness/inmate of jail in this relevant connection. What is the evidentiary value, admissibility and acceptability of disclosure statement of Bhag Singh, husband & co-accused of the petitioner, *inter alia*, would be the moot point to be decided during the course of trial, after acceptance of the evidence, by the trial Court.

5. Be that as it may, the present case was registered against the accused on 29.01.2013, whereas the petitioner has herself surrendered in the Court on 21.04.2014. Since then, she is in judicial custody and no useful purpose would be served to further detain her in jail. There is no history of her previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. Not only that, Bhag Singh, husband and main accused of the petitioner, from whom the indicated recovery was effected in the jail premises, has already been granted the concession of regular bail, by virtue of order dated 02.09.2013, by Judge Special Court, Patiala.

Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner, whose case is on much better footing than that of the main accused.

7. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on her filing a specific affidavit that she will not indulge in such illegal activities in future and on her furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the main case, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.

January 27, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE