

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

CRM No.M-42908 of 2014

Date of decision : 9.1.2015

Kuldeep Kaur

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Ashish Aggarwal, Advocate for the petitioner.

Mr.J.S.Sekhon, AAG Punjab for the State.

Mehinder Singh Sullar, J. (Oral)

The petitioner has preferred the instant petition, for the grant of concession of regular bail, in a case registered against her along with her other co-accused Balwinder Singh, vide FIR No.234 dated 18.10.2013 (Annexure P2), on accusation of having committed an offence punishable under sections 22 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as “the NDPS Act”) (the offences punishable u/ss 379, 411, 427 and 473 IPC were later on added) by the police of Police Station Sadar Tarn Taran.

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 over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this respect.
4. Precisely, the prosecution, inter-alia, claimed that on 18.10.2013, in the wake of search, 500 grams of intoxicant powder (Nitrazepam) was recovered from the possession of petitioner, whereas 500

grams of intoxicant powder was separately recovered from her co-accused Balwinder Singh. The learned counsel for petitioner has placed reliance on the order dated 15.3.2013 rendered by this court in case Deepak Sharma v. State of Punjab 2013(4) RCR(Criminal) 622. Taking into consideration that only 500 grams of intoxicant powder (Nitrazepam) was recovered from the possession of petitioner, to me, she is entitled to the benefit of regular bail.

5. Moreover, the petitioner, who is a lady, was arrested on 18.10.2013. 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 final conclusion of trial will naturally take a long time.

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

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

9.1.2015
AS

(Mehinder Singh Sullar)
Judge