

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-19389 of 2016
Date of Decision:-19.07.2016

Rekha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: **HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- None.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail to the petitioner in case FIR No.13, dated 16.03.2016, for offence punishable under Section 15 of the NDPS Act, 1985, registered at Police Station, Amit Khas, Distt. Ferozepur.

As per the version of the FIR, recovery of 55 kg. poppy husk from two persons including the present petitioner was effected. The petitioner was stated to be driving the motorcycle.

Mr.Ajmer Singh, ASI, investigating Officer, present in Court today and states that after investigation, the police has submitted challan and charge has been framed in the case. He has placed on record the custody certificate of the petitioner which is taken on record. On a specific query put to the Investigating Officer, as to whether any other case is pending against the petitioner, he is very categorical in saying that there is no other case against the petitioner. The petitioner is stated to be in custody since 17.03.2015.

After perusing the record and hearing the Investigating Officer, it is clear that petitioner is in custody since 17.03.2015 and 55 kg. poppy husk was recoveredx from two persons including the petitioner. The trial in the case will take sufficient long time, as even the prosecution evidence has not yet been started. Further, the husband of the petitioner, namely, Lakhwinder Singh has already been admitted on regular bail by this Court vide order dated 23.05.2016 passed in CRM-M-14820 of 2016 titled as Lakhwinder Singh @ Laddu Vs. State of Punjab.

In view of the above, without commenting upon the merits of the case and keeping in view of the fact that the petitioner is in custody since 17.03.2015 and seized contraband is marginally higher than the commercial, coupled with the fact that the trial in the case will take sufficient long time to conclude, no useful would be served by keeping the petitioner-accused behind the bars.

Accordingly, the present petition is accepted and the petitioner, namely, Rekha Rani, is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

July 19, 2016
Anjal