

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

CRM-M No.3608 of 2016

Date of Decision:-11.04.2016

Raj Kaur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gurpal Singh Sandhu, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by HC Narinderjit Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Raj Kaur in case FIR No.322 dated 16.11.2014 for offences punishable under Sections 22/61/85 of the NDPS Act registered with Police Station Dharamkot, District Moga.

There is alleged recovery of 145 grams of intoxicating powder from her conscious possession.

The petitioner was released on interim bail on 06.02.2015 due to non receipt of FSL report and same was confirmed on 19.09.2015. The challan was filed on 23.12.2015 along with FSL report whereby the seized quantity is concededly commercial in nature.

For the solitary absence of the petitioner on 08.01.2016 her bail bonds were cancelled, however, on the same day after passing of the order, she surrendered in the court on 08.01.2016.

It is contended that on 08.01.2016 the case was fixed for framing of charge, and the petitioner-accused had gone to the chamber of the counsel to summon him for appearance in the Court. However, in the meanwhile the order cancelling her bail bonds was passed. It is next contended that the petitioner during the interim bail had delivered a child who is at present 09 months old. That apart the interim bail was never misused. It is further contended that the evidence of 09 cited prosecution witnesses is yet to commence.

Learned State Counsel assisted by HC Narinderjit Singh is unable to refute the factual position regarding the age of the infant and the fact of surrender on the same day on 08.01.2016.

Without commenting on the merits of the case, keeping in view the peculiar facts of the case i.e. the welfare of the 09 months old infant and the fact that the petitioner has not misused the interim bail earlier granted, this Court is of the opinion that the present petition deserves to be allowed. Accordingly, the present petition is allowed and petitioner Raj Kaur is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, Moga.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

April 11, 2016
Vinay