

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

CRM-M-38949 of 2016 (O&M)

Date of decision: 15.11.2016

Rukia Naczaia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kamal Narula, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.45 dated 27.03.2016, registered under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 14 of Foreigners Act, at Police Station Sadar Fazilka, District Fazilka.

It is contended that the petitioner is neither named in the FIR nor arrested from the spot. The petitioner is a citizen of Yoganda and she has been introduced in the FIR on the basis of disclosure statement of co-accused, Babbu who has been admitted to bail. The petitioner is not involved in any other FIR.

On the other hand, learned State counsel opposes the bail

application and states that the petitioner is the supplier of the contraband, however, she fairly admits that she is not involved in any other FIR.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is not named in the FIR; out of total 05 accused, 04 accused who were travelling in the vehicle from which the alleged recovery had been effected have been admitted to bail; the challan is yet to be presented, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on her furnishing bail bonds and surety bonds, to the satisfaction of CJM/Illaq Magistrate/trial Court. The petitioner shall also surrender her passport and shall not leave the country without the permission of this Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

15.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No