

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

CRM-M No. 8176 of 2016 (O&M)

Date of Decision: 01.04.2016

Rajwant Kaur alias Raj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Shish Pal Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Rajwant Kaur alias Raj in case FIR No. 43, dated 25.07.2015, for offences punishable under Sections 21/29/61/85, NDPS, Act, registered at Police Station Sarai Amanat Khan, District Amritsar City.

As per allegations of the prosecution, accused persons, namely, Rajbir Singh @ Raju and Dilbagh Singh @ Bagha were apprehended by the police party in possession of 12 kgs. of *Heroin*. On the disclosure statement, it surfaced that they had purchased it for sale from co-accused Balraj Singh and Harpal Singh, sons of Jarnail Singh.

The name of petitioner has been nominated in the light of an averment made in the disclosure statement of the apprehended

accused to the extent that while taking out the *Heroin* from the hay stack by the said accused persons, Balraj Singh and Harpal Singh, their mother (i.e. present petitioner) was also standing nearby and had also lend a hand in taking out the contraband.

Learned counsel for the petitioner contends that the petitioner-accused absolutely no role in the alleged offence and, at best, only an offence of conspiracy can be attributed to the petitioner. The petitioner is stated to be an old lady and in custody since 31.07.2015 and not involved in any other criminal activity.

Learned State Counsel, assisted by ASI Shish Pal Singh is unable to refute the aforesaid factual position and further submits that challan is yet to be presented.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period and the fact that challan is yet to be presented, this Court finds that petitioner/accused deserves the concession of regular bail and as such she is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

April 01, 2016

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**(JASWANT SINGH)
JUDGE**