

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-3396 of 2017

Date of Decision: 06.03.2017

Narinder Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajeshwar Singh, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 52 dated 17.04.2016 registered for offences punishable under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 61 of the Excise Act, 2014, at Police Station Gate Hakiman, Amritsar.

Heard.

As per prosecution case, raid was conducted at the house of petitioner on the basis of secret information for recovery of illicit liquor. During raid, Raj Kumar son of the petitioner was found taking plastic envelope, containing 27 small packets of heroin, which on weighment were found to be 270 gms. Raj Kumar was allowed regular bail under Section 167 (2) Cr.P.C. by Judge, Special Court vide order dated 19.10.2016.

Learned counsel for the petitioner submits that recovery was from conscious possession of Raj Kumar and not from the petitioner.

Refuting the submission of learned counsel for the petitioner, learned State counsel submits that recovery was made from the house, where petitioner was living with her husband and son, as such, she cannot raise the plea that possession of heroin was not known to her.

Keeping in view the fact that recovery has been made from possession of Raj Kumar and he is on regular bail under Section 167 (2) Cr.P.C. vide order dated 19.10.2016 and the said order has not been challenged by the State, the present petition is allowed. Petitioner-Narinder Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

March 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No