

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

CRM-M No. 14678 of 2018

Date of decision : 17.10.2018

Amanpreet Kaur alias Amna

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Amanpreet Kaur alias Amna has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to her in case FIR No.49 dated 18.04.2013 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'NDPS Act') registered at Police Station – Mahilpur, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information and the petitioner has falsely been implicated. Neither any independent witness was joined at the time of the alleged recovery nor the mandatory provisions of the NDPS Act have been followed. Learned counsel further submits that the petitioner was in custody in some other case and she was brought by way of production

warrant in the present case. She is in custody since 18.01.2018. Learned counsel also submits that out of total 15 prosecution witnesses, only 2 witnesses have been examined and trial will take long time to conclude. In other case of NDPS Act, the petitioner is already on bail.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the fact that in other case under NDPS Act, the petitioner is on bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents on the file.

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 18.01.2018 and she is on bail in the other case under NDPS Act and that out of total 15 prosecution witnesses only 2 witnesses have been examined and trial will take long time, no purpose would be served by keeping her in custody.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

17.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No