

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

**CRM-M No.16357 of 2018  
Decided on: 30.04.2018**

Surjit Kaur @ Rani

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN**

**Present :** Mr. Lakhwinder Singh Mann, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.17 dated 21.01.2014, for offence punishable under Section 22 of the Narcotic Drugs Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

Counsel for the petitioner has submitted that the petitioner was arrested on 21.01.2014 and while awaiting the report of the FSL, she was granted interim bail w.e.f. 18.03.2014 to 10.11.2017 i.e. for a period of about more than 3½ years. It is further submitted that during the said period, the petitioner has never misused the concession of bail and she was never involved in any other case under the NDPS Act. Counsel for the petitioner has further submitted that after receipt of the report of FSL, she has been taken in judicial custody. It is further argued that recovery from the petitioner is about 120 grams of Alprazolam and it will be a debatable issue whether the said drug was a manufactured drug or psychotropic substance. Counsel for the

petitioner has also submitted that the petitioner is not involved in any other case subsequent to 2014 and in an earlier case, registered prior to 2014, she is on bail. Counsel for the petitioner has further argued that after receiving of the FSL report, the petitioner was re-arrested on 21.02.2018 and is facing the trial. It is also submitted that co-accused of the petitioner namely Indra Rani has already been granted the concession of regular bail by this Court vide order dated 01.02.2018 passed in CRM-M No.46436 of 2017.

Counsel for the State has filed the Custody Certificate of the petitioner today in the Court, which is taken on record and on instructions from HC Harpal Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is a lady; she was on interim bail for a period of about 3 ½ years; she has not misused the concession of interim bail and was not involved in any other case subsequently and conclusion of the trial will take long time, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.04.2018  
yakub

(ARVIND SINGH SANGWAN)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |