

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

**CRM No.M-20222 of 2018 (O&M)
Date of Decision: July 17, 2018**

Ranbir Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harsh Chopra, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr. DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.280 dated 18.12.2017 under Sections 21, 22, 29 of the NDPS Act and Sections 411, 414 and 120-B IPC registered at Police Station City, Tarn Taran.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the FIR, when police party was going from Jhabal Chowk to Civil Hospital, Tarn Taran, then, DSP Satnam Singh instructed the police party to raid the house of Punjab Singh,

as in the bank robbery which occurred on 12.12.2017 in Axis Bank,

Naurangabad, the looted amount can be recovered from the house of Punjab Singh. As per the allegations, Ranbir Kaur was present in the house. A .32 bore pistol along with magazine and ₹1.55 lakhs were found there and 300 grams of heroin was recovered from personal search of Ranbir Kaur.

The perusal of the FIR shows that Ranbir Kaur is an old aged lady of 50 years. She was present in the house. The police party on instructions of DSP Satnam Singh, had gone to raid the house of Punjab Singh for recovering the amount looted from the bank. Punjab Singh is son of the petitioner. He and other family members were not found in the house. Heroin was recovered from the under-shirt of present petitioner. As per prosecution version, Ranbir Kaur asked for search before the Gazetted Officer and police party called same DSP Satnam Singh, who had instructed the police party to raid the house for recovery of looted money and no other Gazetted Officer was called.

Furthermore, recovery is stated to be effected from under-shirt of present petitioner Ranbir Kaur. Therefore, it cannot be, in any way, in the presence of DSP Satnam Singh. Though, it is stated that search was got conducted through a Lady Constable but at this stage, there is nothing that Lady Constable first gave her personal search to any other lady police official.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find it a fit case where petitioner is entitled to benefit of regular bail. This Court is conscious that recovery in the present case falls under commercial quantity but in view of the above

discussion, I find it a fit case where petitioner should be released on regular

bail. There is no other criminal case against present petitioner, as admitted by learned State counsel.

Therefore, finding merit in the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 17, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No