

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

**CRM-M No.27173 of 2018
Date of decision : 09.10.2018**

Chhindo Bai

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Chhindo Bai 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.52 dated 26.03.2018 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) registered at Police Station - Sadar, Jalalabad, Distt. Fazilka.

Learned counsel for the petitioner submits that as per the allegations, a raid was conducted at the house of the petitioner and the recovery was effected on the basis of a secret information. Petitioner has been shown to have run away from the spot. Learned counsel further submits that the petitioner is widow woman and other family members were also there. Even no independent witness was joined at the time of the alleged recovery and it is not possible that in presence of so many police officials, the petitioner could have been able to run away from the house. She is in custody since 29.03.2018. Learned counsel also submits that one

another case of NDPS Act is there against the petitioner, wherein she is on bail and in that case the recovery is non-commercial. Learned counsel further submits that the investigation has been completed, challan has been presented before the trial Court and charges have also been framed. All the prosecution witnesses are official and there is no possibility that the petitioner may influence them or tamper with the evidence.

Learned State counsel has not disputed the custody period undergone by the petitioner and also the stage of the trial. It has also not been disputed that the recovery was effected on the basis of secret information from the house and the petitioner was not arrested from the spot.

Keeping in view the submissions made by learned counsel for the petitioner as well as by considering the period of custody undergone by her, which is since 29.03.2018 and also the fact that all prosecution witnesses are official and there is no possibility to tamper with the evidence or to influence the prosecution witnesses, the present petition is allowed and the petitioner is directed to be released on regular bail to the satisfaction of the trial Court.

However, in case the petitioner is found to be involved in any other case of NDPS Act, the State is at liberty to move an application for cancellation of bail.

09.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No