

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

**Criminal Misc. No. M-35761 of 2018
Date of decision: 27.11.2018**

Parminder Kaur @ Rani

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Parminder Kaur @ Rani under Section 439 Cr.P.C. for grant of regular bail to her in case FIR No.94 dated 09.07.2015 registered under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Phagwara, District Kapurthala during pendency of the trial.

Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the petitioner was apprehended by the Police party on 09.07.2015 and 240 gms of psychotropic powder and 10 gms of heroin was recovered from the plastic carry bag and purse held by her. Learned counsel further submits that earlier the petitioner was released on interim bail as report of Chemical Examiner was not received. The petitioner remained in custody for a period of two months prior to passing of interim order. Learned counsel also submits that the anticipatory bail

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petition filed by the petitioner was dismissed by this Court and the same was upheld upto Hon'ble the Apex Court with liberty to the petitioner to file petition for regular bail. The petitioner is in custody for the last approximately nine months. The Investigating Officer of the case is not having permanent rank of ASI whereas he is having local rank of ASI and was getting salary of Head Constable at the time of registration of FIR and was not competent to lodge the FIR at all. Learned counsel also submits that the petitioner is entitled for bail in view of ratio of judgment rendered by the Division Bench of this Court in ***Bikkar Singh vs. State of Punjab, 2006(3) RCR (Criminal) 16***. Learned counsel also submits that all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. Learned counsel also submits that co-accused of the petitioner, namely, Baljinder Singh @ Bindri has approached this Court by way of filing Criminal Misc. No. M-47410 of 2018 and by relying upon decision rendered by Hon'ble the Apex Court in Mohan Lal vs. The State of Punjab (Criminal Appeal No.1880 of 2011 decided on 16.08.2018), he was released on regular bail by this Court.

Learned State counsel has not disputed the custody period as well as the local rank of Investigating Officer, which is clear from Annexure P-7.

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 available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody for the last approximately nine

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months; his co-accused, namely, Baljinder Singh @ Bindri has been released on regular bail by this Court; the Investigating Officer was not competent to lodge FIR as he was not having permanent rank of ASI; judgment rendered by this Court in **Bikkar Singh's case (supra)**; and that all witnesses are police officials and there is no possibility that the petitioner may influence the witnesses, the present petition is allowed and the petitioner (Parminder Kaur @ Rani) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

27.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No