

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

**CRM-M-37648-2018
Date of decision: 28.09.2018**

Ekta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 04 dated 05.01.2018, registered under Sections 21/25/29/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Sadar, Gurdaspur, Punjab.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party intercepted a vehicle bearing registration No. PB-06-M-6610, which was driven by Bharat Gill (co-accused), who is the husband of the petitioner, and the petitioner was sitting on the co-driver seat.

Learned counsel for the petitioner further submits that the case of the prosecution is that when the car was searched, one plastic envelope was recovered from the dashboard of the said car and, therefore, it will be a debatable issue whether the petitioner was in conscious possession of the same or not. It is further submitted that the petitioner is a lady and she is not

involved in any other case and is in judicial custody since 05.01.2018. It is also submitted that the investigation is complete and custodial interrogation of the petitioner is no more required.

Learned State counsel filed custody certificate which is taken on record. Learned State counsel, on instructions from ASI Partap Singh, submits that charges are yet to be framed in this case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody since 05.01.2018; she is a lady; is not involved in any other case and also in view of the fact that trial is likely to take a long time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No