

202**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-41773-2018****Date of Decision: 27.09.2018****Kushi****...Petitioner****Versus****State of Punjab****....Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present:- Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Kushi, has prayed for grant of regular bail in case FIR No. 149 dated 11.07.2018 registered under Sections 21 & 29 of NDPS Act, 1985 and under Sections 353, 186, 323, 506 & 34 of the IPC at Police Station Chheharta District Police Commissionerate, Amritsar.

According to the prosecution, on 11.07.2018, the petitioner along with her mother (Juna Devi @ Manju) did manhandling with Investigating Officer, when he was arresting her brother namely, Shashi, having conscious possession of 260 grams of Heroin without any permit or licnese.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a minor. She has falsely been implicated in this case. She has no concern with the alleged recovery of

heroin. She is in custody since 11.07.2018. Nothing is to be recovered from her. Conclusion of trial may take a long time. No useful purpose would be served by detaining her in jail. Co-accused of the petitioner, namely; Juna Devi @ Manju has already been granted bail vide order dated 17.09.2018 in CRM-M-39352-2018. Thus, treating the case of the petitioner on the same parity, she may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

In view of the totality of facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Kushi, is ordered to be released on bail pending trial, treating her case on the same parity as that of her co-accused, namely; Juna Devi @ Manju, on her furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

27th September, 2018

shabha

**[RAMENDRA JAIN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No