

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

Sr. No.214

CRM-M-42867 of 2018

DECIDED ON: November 22, 2018

GURDEEP KAUR @ PALO

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sant Pal Singh Sidhu, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner prays for regular bail in case FIR No. 87, dated 13.09.2017, under Sections 21/22 of NDPS Act, 1985 registered at Police Station Fatehgarh Panjtoor, District Moga.

Learned counsel for the petitioner submits that petitioner has been in custody for over one year. The examination of PWs has not yet started. Thus, trial is not likely to be concluded at an early date. The petitioner is a woman and therefore, she deserves to be released on regular bail.

Custody certificate dated 21.11.2018 prepared by Sh. Rajdeep Singh Brar, Deputy Superintendent, Central Prison, Faridkot, has been filed in Court. The same is taken on record. A perusal of certificate shows that the petitioner has been in custody for 01 years, 02 months and 07 days. There are two other convictions under the NDPS Act, 1985, although they appear to be on account of possession of small quantity of contra-band as the sentence is for the period already undergone.

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Learned State counsel submits that 15 PWs are named in the challan and none has been examined till date, although, charge was framed on 11.04.2018. He states that there is delay in examination of PWs because another person has been arrayed as an accused in this case and therefore, fresh charge had to be framed by including Section 29 of the NDPS Act, 1985.

Thus, it is clear that the petitioner has been in custody for 01 years, 02 months and 07 days and that the trial is not likely to be concluded at an early date. It would therefore be appropriate to release her on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

November 22, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No