

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

108+241

CRM-M-4262-2019 (O&M)

Date of decision : 15.11.2019

Jagir Kaur

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Charanpreet Singh, Advocate for
Mr. B.S. Kathuria, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.7 dated 23.01.2018, under Section 22 of the NDPS Act, 1985 (Sections 419, 420, 465, 467, 468, 471, 477 and 120-B IPC and Section 12 of the Passport Act, 1967 added later on) registered at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner contends that there is no allegation against the petitioner in the instant FIR with regard to the offence under the NDPS Act. Even in the challan preferred against the petitioner, no Section of the NDPS Act has been invoked. The petitioner has been arraigned as an accused allegedly on the recovery of passport from the car in which the name of her husband is mentioned as Santokh Ram instead of Ashok Kumar. He further contends that the petitioner is involved in other two cases. In FIR No.144 dated 06.12.2009, registered under Sections 323, 324, 452, 506, 379, 148 & 149 IPC at Police Station Sadar Nawanshar, she had been convicted and released on probation. In FIR No.7 dated 25.01.2013, under Sections 323, 452, 148 and 149 IPC, registered at Police Station Mukandpur, she has been

acquitted and FIR No.53 dated 04.07.2015, under Sections 15, 18, 20, 21, 22, 25, 29 & 61 of the NDPS Act, Police Station Mukandpur which pertains to recovery of non-commercial quantity is pending adjudication but she is on bail. He also states that the petitioner is in custody for over 10 months.

Learned State counsel states that 05 out of 31 prosecution witnesses have been examined and the car which has been recovered is in the name of the petitioner which is disputed by the learned counsel for the petitioner who contends that the car is registered in the name of Arun Kumar.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when the petitioner is in custody for over ten months and the conclusion of the trial is likely to take sometime, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Criminal Misc. No.35181 of 2019 also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 15, 2019

sonia gugnani

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No