

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

CRM No.M-9540 of 2019 (O&M)

Date of Decision: April 02, 2019

Shinder Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.L.S.Sekhon, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.13 dated 24.01.2018 under Section 22 of the NDPS Act, registered at Police Station City Dhuri, District Sangrur.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In this case, recovery falls under commercial quantity. As per prosecution version, present petitioner was pillion rider along with her three year old child and husband of the petitioner was driving the scooter. The recovery has been effected from the foot-mat of the scooter on the front

side. It has been brought to the notice of this Court that there is no other case against the present petitioner. She is in jail along with minor child.

In view of the above facts, it is debatable whether in the facts and circumstances of the present case, petitioner can be held in possession of the incriminating article or not.

The petitioner has been in custody since 24.01.2018. She is not required for custodial interrogation as she is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

April 02, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No