

218-2

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

CRM-M-9997 of 2019 (O&M)

Date of decision: July 10, 2019

Satto Rani @ Satto Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Manjot Kaur, Advocate for
Mr. S.S. Gill, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.264 dated 01.12.2018, under Sections 15/25 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sangat, District Bathinda.

As per prosecution case, contraband was recovered from the dickey of the car driven by co-accused Jaswinder Singh @ Malhi.

Contentends that petitioner is in custody since 01.12.2018 and charges were framed on 27.05.2019 and out of total 20 prosecution witnesses, none has been examined till date. Also contends that there is no other criminal case pending against the petitioner except the present one. Further contends that she was newly wedded with main accused, i.e. Jaswinder Singh @ Malhi and she was not aware about any

contraband in the dickey of the said car.

On the other hand, learned State counsel, on instructions from Assistant Sub Inspector Gur Sahib Singh, opposed the application and has submitted that recovery is commercial in nature and FSL report has already been received, thus, she does not deserve concession of bail pending trial.

Heard both sides and perused the paper-book.

Concededly petitioner is in custody since 01.12.2018 and after completion of investigation, charges were framed on 27.05.2019 and out of total 20 prosecution witnesses, none has been examined till date. It is also not in dispute that there is no other criminal case pending against the petitioner. Also the complicity of the petitioner is debatable as she is neither the owner of the car; nor any recovery has been effected from her and the same was from dickey of the car. Thus, point of conscious possession in this case is debatable during trial.

Keeping in view the facts and circumstances of the present case, no useful purpose would be served by confining the petitioner in custody anymore; as such, this Court deems it appropriate to release her on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on her furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments. However, it is clarified that in case there is any recurrence on the part of the petitioner, State would be at liberty to move an application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

July 10, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**