

Crl. Misc. No. M-10921 of 2019

Date of Decision: April 08, 2019

Kaushalya Bai @ Kaushalya

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Vipul Jindal, Advocate
for the petitioner

Mr. H.S. Sullar, DAG Punjab

Sudhir Mittal, J. (Oral)

Reply dated 08.04.2019 as well as custody certificate dated 16.03.2019 prepared by Sh. Lalit Kumar Kohli, PPS, Deputy Superintendent, Central Prison, Faridkot have been filed in the Court today. The same are taken on record.

The petitioner seeks grant of regular bail in case FIR No. 161 dated 29.09.2017 registered under Sections 21, 25, 27, 27-A, 29 of the NDPS Act, 1985, Section 25 of the Arms Act, 1959 and Sections 307, 353, 332, 186 IPC at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner has been in custody since 04.10.2017. The trial is not likely to be concluded at an early date as examination of PWs has not yet commenced and similarly situated co-accused namely Lal Singh has been granted regular bail vide order dated 13.02.2019 passed in CRM-M-53285-2018 (Annexure P-4).

Learned State counsel opposes the prayer on the ground that earlier, while dismissing the first bail application of the petitioner viz. CRM-M-5444-2018 vide order dated 28.03.2018 this Court had opined that the petitioner is heavily involved in the trading of drugs and arms and allegedly she had acquired property from drug money.

An earlier order was passed on 28.03.2018 and a period of one year has elapsed since then. The trial has, however, not progressed as even as on date, examination of PWs has not yet started (as admitted by learned State counsel). The petitioner has been in custody for one year, five months and nine days as is evident from the custody certificate. There is one other case under the NDPS Act, 1985 pending against the petitioner. She has been released in the said case on regular bail. Co-accused Lal Singh, who was granted bail vide order dated 13.02.2019 passed in CRM-M-53285-2018 is identically situated as the role assigned to him as well as the petitioner is identical. He was also an accused in the other case under the NDPS Act, 1985.

Thus, keeping in view the custody period, the fact that the examination of PWs have not yet commenced as well as the fact that identically situated co-accused Lal Singh has been granted regular bail, I deem it appropriate to grant regular bail to the petitioner as well.

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

April 08, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No