

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

CRM-M No.32782 of 2018

Date of Decision: 06.03.2019

Kaushalya Devi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

CRM No.6445 of 2019

This application has been moved for placing on record
Annexures P-3 and P-4.

Criminal Misc. Application is allowed. Annexures P-3 and P-4
are taken on record.

CRM-M No.32782 of 2018

Petitioner-accused Kaushalya Devi has filed the present
petition under Section 439 Cr.P.C for grant of regular bail to her in case FIR
No.23 dated 26.10.2017 registered under Sections 21, 25, 27-A, 29 of the
NDPS Act, 1985 and Section 25 of the Arms Act at Police Station State
Special Operation Cell, Amritsar District Amritsar.

Learned counsel for the petitioner submits that the name of the
petitioner is not mentioned in the FIR and she has been implicated on the
basis of disclosure statement made by co-accused. Petitioner is in custody

for the last more than one year and three months. Co-accused of the petitioner, namely, Lal Singh has been released on regular bail vide order dated 12.11.2018 passed in **CRM-M No.27212 of 2018**. There are total 30 prosecution witnesses and even a single witness has not been examined so far. The trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Moreover, no recovery was effected from the petitioner.

Learned State counsel has not disputed the custody period; number of witnesses and also the fact that no witness has been examined so far. Even it has not been disputed that co-accused Lal Singh has been released on regular bail. However, the bail has been opposed by learned State counsel on the ground that two more cases are there against the petitioner and her entire family is involved in number of cases. The disclosure statement has been made by daughter of the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the custody of more than one year and three months; the fact that out of total 30 witnesses, even a single witness has not been examined; co-accused of the petitioner, namely, Lal Singh has been released on regular bail, whereas, against him also, two more cases are there; the relevancy of number of cases against the family is not relevant when two cases including the present one are there against the petitioner; in another case, an application has been moved which is pending before the Coordinate Bench; on the basis of parity; the stage of trial and also the fact that the trial may take some time to conclude, the present petition is allowed

and petitioner, namely, Kaushalya Devi is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

06.03.2019
gurpreet

(DAYA CHAUDHARY)
JUDGE

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