

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

**CRM-M No.18344 of 2019 (O&M)
Decided on: 30.04.2019**

Jaswinder Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.R. Rana-I, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.148 dated 14.12.2018, for offence punishable under Section 21 of the Narcotic Drug and Psychotropic Substances Act, 1985, registered at Police Station Shambu, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Inspector Kulwinder Singh, the police party during the checking of drug smugglers received a secret information that the co-accused – Gurjit Singh and the petitioner – Jaswinder Kaur are habitual in selling the heroin and they are coming in a car bearing registration No.PB-01-A-0129 Mark Xylo color white. Thereafter, the police intercepted the vehicle and on conducting the personal search of the petitioner 180 gms of heroin was recovered and 160 gms of heroin was recovered from the co-accused

Gurjit Singh, who was driving the aforesaid vehicle. It is further submitted that the recovery effected from the petitioner is of non-commercial quantity. It is further argued that the petitioner is in custody for the last 04 months and 12 days and she is a widow lady and is having 03 minor children to support.

Counsel for the State has filed the Custody Certificate today in the Court and has submitted that the petitioner is not involved in any other case and she is in custody for the last 04 months and 12 days. Counsel for the State, on instructions from ASI Jagjit Singh, submits that challan stands presented.

Without commenting anything on merits of the case, considering the fact that the petitioner being the first offender, is in custody for the last 04 months and 12 days; she is a widow lady and is having 03 minor children to support; the recovery effected from the petitioner is of non-commercial quantity and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.04.2019

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No