

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

**Criminal Misc. No. M-40627 of 2018
Date of decision: 25.01.2019**

Lakhwinder Kaur @ Lakho Rani

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to her in case FIR No.131 dated 27.07.2017 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Sunam, District Sangrur during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas she was not involved. Even she was not arrested at the place of occurrence. No recovery was effected from her. Learned counsel further submits that false recovery of 260 gms of smack has been planted upon the petitioner by the Police. Mandatory provisions of NDPS Act have not been followed. Learned counsel further submits that the petitioner is widow and is mother of three minor children as the eldest daughter is 13 years of age. The petitioner is in custody since 29.06.2018. Learned counsel also submits that out of four cases pending

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against the petitioner, she has been acquitted in one case and has undergone the sentence in other cases. At present, no other case under the NDPS Act is pending against the petitioner.

Learned State counsel has not disputed the custody period as well as status of cases against the petitioner.

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

By considering the submissions made by learned counsel for the petitioner that the petitioner is in custody since 29.06.2018; no recovery was effected from her; at present no other case is pending against her as in earlier cases, either she has been acquitted or undergone the sentence; she is mother of three minor children; the trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Lakhwinder Kaur @ Lakho Rani) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any other case of NDPS, the State is at liberty to move an application for cancellation of bail.

25.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No