

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

**CRM-M No.31087 of 2019 (O&M)
Date of Decision: 05.09.2019**

Lakho

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.84 dated 12.10.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City-I, Sangrur, District Sangrur.

Contends that petitioner is in custody since 12.10.2018 and one year child is also incarcerated. Also contends that there is no recovery from the petitioner and she was only travelling in a Car driven by one Sanjay Singh @ Sandeep and the recovery of the contraband was effected from the *dicky* of the Car. Further contends that out of total 11 prosecution witnesses, only 06 have been examined, therefore, trial is likely to take long time.

The above factual position is duly acknowledged by learned State Counsel on instructions from ASI Jasbir Singh, but opposed the bail application.

Heard both sides and perused the paper-book.

There is no dispute that petitioner is in custody since 12.10.2018 and one year minor child is also suffering the incarceration being helpless. Neither any contraband is alleged to have been recovered from the petitioner; nor any other criminal case is pending against her and out of total 11 prosecution witnesses, only 06 have been examined till date, thus, the trial is likely to take a long time.

Taking into consideration the facts and circumstances of the present case and more particularly, the welfare of the minor child, this Court deems it appropriate to release the petitioner forthwith from the custody in this case. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on her furnishing 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.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

September 05, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>