

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

**CRM-M No. 43448 of 2019
Date of Decision:-06.11.2019**

Bholi Devi @ Bholi Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Ms. Amandip Kaur, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

MANOJ BAJAJ J.(Oral)

Petitioner-Bholi Devi @ Bholi Rani has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 60 dated 07.7.2018, under Section 22 of NDPS Act, registered at Police Station Banaur, District SAS Nagar (Mohali). The petitioner is in custody since 02.4.2019.

As per FIR, on 07.7.2018 when the police party in connection with patrolling and search of bad elements, was present at Sales Tax Barrier, Banur, near Banur Tepla road, then at about 01:00 PM, from the side of Tepla, one hair cut person, who was carrying a carry bag in his hand alongwith one lady was seen coming, who on seeing the police party

became scared and tried to turn back. They were apprehended on the basis of suspicion and on asking they disclosed their names as Harjit Ram alias Jita and Bholi Devi w/o Barjit Ram alias Jita. On search of the carry bag, which was carried by Harjit Ram alias Jita, 10800 Lomotil tablets (180 strips), 264 Spasmo Proxivon capsules (24 strips) and 525 Becalm tablets were recovered.

Learned counsel for the petitioner has contended that the petitioner is a lady and the recovery of the alleged contraband was effected from the co-accused Harjit Ram alias Jita. Learned counsel for the petitioner contends that the petitioner was granted concession of interim bail by the trial Court vide order dated 17.8.2018 and on receipt of report of the Chemical Examiner, she surrendered on 02.4.2019 and during this period she has not misused the concession of bail. She submits that the trial is yet to start and it will take sufficient time to conclude. It is also pointed that the petitioner is not involved in any other case.

On the other hand, learned State counsel, who is assisted by HC Paramjit Singh, opposed the prayer, however, it is not disputed that the trial is yet to start as out of total 13 prosecution witnesses, none has been examined so far. It is also informed by learned State counsel that co-accused Harjit Ram alias Jita is involved in another FIR bearing No.60 dated 07.7.2018, under Section 22 of NDPS Act, registered at Police Station Banur, District Patiala.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping

in view the custodial period of the petitioner, who is a lady, her further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No