

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-10633 of 2020
Date of Decision: December 03, 2020

Kuldeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Inder Pal Singh, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.14 dated 26.02.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Kacha Pakka, Tarn Taran, District Tarn Taran. The petitioner is in custody since her arrest on 26.02.2019.

As per the allegations in the FIR, on 26.02.2019, when the police party reached near Kulla canal bridge, a woman was seen coming from the side of village Jamalpur, who on seeing them, kept the polythene pouch in the grass and turned towards the orchard of pear. On the basis of suspicion, she was apprehended and on search of the polythene pouch, 765 intoxicating tablets were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner is

in custody since 26.02.2019 and only one prosecution witness has been examined so far out of total seven witnesses. He submits that the trial is likely to consume considerable time, particularly in the prevailing condition as there is outbreak of pandemic COVID-19 in the region and, therefore, the further custody of the petitioner may not be justified. He prays for grant of bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel on the ground that the recovered contraband would fall within the category of commercial quantity. He, on instructions from SI Kulwant Singh, submits that the petitioner is not involved in any other case of similar nature.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region, this Court does not find any ground to decline the prayer. The petitioner is presently confined in judicial custody since 26.02.2019 and her further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Tarn Taran.

December 03, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No