

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

CRM-M-12095-2020

109

Date of Decision:11.05.2020

Ninder Kaur

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Charanpreet Singh, Advocate,
for the petitioner.**

Mr. Gaurav Dhuriwala, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.99 dated 10.10.2019 under Section 15 of the NDPS Act, 1985, registered at Police Station, Sadar Nawanshehar, District SBS Nagar.

The earlier petition filed by the petitioner i.e. **CRM-M-54180-2019(Ninder Kaur Versus State of Punjab)** was dismissed as withdrawn vide order dated 12.02.2020.

Learned counsel for the petitioner has argued that the alleged recovery of 20 kgs. of poppy husk, which is non-commercial quantity, was found in joint possession of the petitioner and her son. He states that son of the petitioner has been admitted on bail by this Court vide order dated

09.12.2019 passed in **CRM-M-51459-2019 (Manpreet Singh @ Money**

Versus State of Punjab), Annexure P-1. He further states that the petitioner is in custody for the last about seven months. Though, there were other cases against the petitioner, but in two of the cases, she has been acquitted while in one case, she has undergone the sentence and one case is pending trial. Moreover, she was earlier confined in Women Cell, Ludhiana Jail, but on account of the fact that one of the jail-mate was found COVID-19 positive, the petitioner has now been transferred to the Pathankot Jail.

Learned State Counsel submits that the track record of the petitioner does not warrant her to be admitted on regular bail. Though, in two cases, she has been acquitted and in one case, she has undergone her sentence, but her track record shows that she is a drug-paddler. However, he does not dispute the custody period and the fact that co-accused, son of the petitioner, has been admitted on bail by this Court vide order dated 09.12.2019 passed in CRM-M-51459-2019.

Heard learned counsel for the parties.

Considering the fact that the petitioner is a lady and is in custody in the present case for the last about seven months, recovery was effected from the joint possession of the petitioner and her son having been admitted on bail, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to her furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that, in case, the petitioner is found indulged in any other case of similar nature during this concession of grant of regular bail, the prosecution would be at liberty to seek cancellation of bail in the

present case.

It is further made clear that the petitioner shall be released after complying with the administrative instructions/guidelines issued by the Govt. from time to time in view of outbreak of COVID-19, including maintaining social distancing and preventing community transmission.

May 11, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No