

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
202/A (PROCEEDINGS THROUGH V.C.)**

CRM-M-12594-2020

Date of decision: 08.06.2020

GURDIAL KAUR

...PETITIONER

V/S

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. H.S.Grewal, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail in FIR No. 248 dated 10.12.2019 registered under Sections 21 and 25 of the NDPS Act, 1985 at P.S. Sidhwan Vet District Ludhiana.

It is the contention of the learned counsel for the petitioner that the petitioner is 72 years of age lady and was travelling with her son Harjinder Singh, under whose seat, 273 gms. of heroin was recovered. He contends that no recovery was effected from her and there is no other case registered against her. She was arrested on 10.12.2019 and is in custody since then. Although the challan has been presented but the charge, as yet, has not been framed. Assertion has been made that in the prevailing situation where the Courts are not proceeding with the matters and dates are being granted, the trial is not likely to conclude soon, therefore,

continuation of the petitioner in custody would not serve any purpose. Prayer has, thus, been made for grant of concession of regular bail.

On the other hand, learned counsel for the State asserts that the petitioner was well aware of the fact that her son was carrying narcotic drugs with him but still she did not stop him. He, however, could not dispute the other facts, as have been pointed out by the counsel for the petitioner.

I have considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is 72 years of age with no other case registered against her and since the arrest, she has completed more than 6 months in custody with the trial not likely to conclude in near future and there being no recovery from her, the present application is allowed. Petitioner is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

June 08, 2020*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No