

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

CRM-M No.14072 of 2020 (O&M)

Date of Decision : 19.06.2020

Harpal Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Janak S. Bhinder, Advocate
for the Petitioner.

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.12355 of 2020

The present application is for exemption from filing the Court Fee in support of the main Petition.

For the reasons mentioned in the application, the Applicant/ Petitioner is permitted to be exempted from filing the Court Fee at this stage, subject to the condition that the same must be filed latest by 09.07.2020, if already not done.

Application stands disposed off.

CRM-M No.14072 of 2020

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.112, dated 30.10.2019, registered under Sections 21/25/27-A/29/61 of the Narcotic Drugs and Psychotropic, Substances Act, 1985 (for short, 'the NDPS Act') at

Police Station STF Mohali, District Mohali.

2. The Petitioner was arrested on 12.12.2019.
3. According to Ld. Counsel for the Petitioner, recovery of the contraband being 1 kg. of Heroin was allegedly effected on that date from her matrimonial house which belongs to co-accused, namely Gurpreet Singh, who is separately in custody.
4. Submission in this regard is that the recovery actually pertains to the main accused-Gurpreet Singh and the Petitioner cannot be held responsible simply because she happens to be the wife of the actual culprit and is a resident of his house.
5. Further contended that the other incriminating material against the Petitioner as per prosecution case is that allegedly an amount of Rs.92,000/- being Drug money was recovered from her. But even this claim is made on the basis of her own Disclosure Statement, the value of which is doubtful so far as it relates to the purpose for which the money was generated.
6. Ld. Counsel for the State has submitted that the Petitioner is involved in three earlier cases under the NDPS Act, in which obviously she is on/would be on bail since she was actually arrested in the present case on the alleged date of occurrence itself.
7. In the opinion of this Court, no tangible grounds are made out to treat the Petitioner's alleged culpability at par with that of her husband-Gurpreet Singh, from whose conscious possession the recovery was effectively made. Furthermore, she would also appear entitled to be

released on humanitarian grounds for the reason that she has two handicapped/differently abled sons, namely Jaswinder Singh and Harjot Singh, presently aged about 15 and 13 years, respectively, who are both physically handicapped to the extent of 90% each, as seen from their Medical Certificates (Annexures P-2 and P-3, respectively) issued by the Medical Board constituted from the Specialists/Doctors of Civil Hospital, Sangrur, way back on 5th February, 2013, and that in any case, Challan against the Petitioner has already been submitted, on account of which her further for an indefinite period is not required. As such, at this stage, she is ordered to be released on bail to the satisfaction of the Ld. Trial Court concerned.

8. Disposed off.

June 19, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No