

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

CRM-M-14663 of 2020 (O&M)

DATE OF DECISION : 25.08.2020

Pooja

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Anil Sharma, Advocate,
for the petitioner.

Mr. Mayur Kanwar, Advocate for
Mr. Manish Jain, APP UT Chandigarh
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 7 dated 07.01.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sector 39, Chandigarh.

2. Per FIR, on 07.01.2020, while on routine patrolling, the petitioner was apprehended on the basis of suspicion, as she tried to flee on seeing the police party. On checking of white coloured bag being carried by her, which she tried to throw away, total of 22 injections i.e. 11 buprenorphine 2 mls. each along with 11 Pheniramine Maleate 10 mls each were recovered. Case was registered.

3. Learned counsel submits that the petitioner is in custody since 07.01.2020. According to him, the alleged recovery is of 11 injections of prescription medicine, whereas the remaining 11 injections are of diluting compound. He further submits that investigation is over and challan has been filed, but charges are yet to frame. According to him, the petitioner is not

involved in any other offence of similar nature. He submits that the petitioner is a house-wife having a four year minor child, who is currently with his father/her husband. The husband of the petitioner is an auto-rickshaw driver and he has to go out to earn his livelihood, leaving the minor son abandoned at home. In the premise, it is not only the immunity of the minor child which is compromised, but being highly prone to contract dreaded Covid-19 infection, there is strong possibility of his spreading the same in community. He further submits that minor child is more susceptible to get the infection and needs constant supervision of his mother in the current pandemic scenario. According to him, there is no likelihood of trial commencing or concluding anytime soon.

4. On the other hand, learned State counsel opposes the bail plea. He, however, admits that the petitioner is not having any criminal background and that she is in custody since 07.01.2020 and after completion of investigation challan has been filed, but charges are yet to frame.

5. The petitioner is in custody almost for the past more than seven months. The prescribed injections recovered from the petitioner are easily available with Chemist, though of course, only on the corresponding prescription of a Physician. Charges are yet to framed. Trial is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. The petitioner is having a 4 years minor son who is being deprived of special care needed these days. She is not involved in any other case of similar nature. In the circumstances, there is no apprehension of her fleeing from trial, in case she is released on bail.

6. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on

her furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

7. Petition stands allowed accordingly with a liberty to the State that in case, while on bail, petitioner is found involved in offence of similar nature, the prosecution would be at liberty to seek cancellation of her bail.

August 25th 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No