

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17579-2020

Date of Decision: 17.07.2020

Jeet Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Monika Jalota, 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.187 dated 11.08.2019 registered under Section 21 NDPS Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala. The petitioner is in custody since her arrest on 11.08.2019.

As per the prosecution case, a police party headed by ASI Amarjit Singh apprehended Jeet Kaur (petitioner) and recovered 260 grams of heroin from her.

Learned counsel for the petitioner contends that the alleged recovery of 260 grams of heroin effected from the petitioner is marginally above the non-commercial quantity i.e. 250 grams. He has pointed out that the petitioner is 70 years old lady and her further custody may not be necessary, particularly when the investigation of the case is complete. He submits that the final report stands filed on 27.02.2020 and charges were framed on 06.03.2020, however, no prosecution witness has been examined so far. It is prayed that the petitioner be released on regular bail during the

pendency of the trial.

On the other hand, learned State counsel assisted by ASI Kuldeep Singh, has opposed the prayer on the ground that the petitioner is involved in a similar case i.e. FIR No.13 of 2018, therefore, she does not deserve the concession of regular bail, particularly when the recovered quantity in the present case is commercial in nature. She has produced the custody certificate in this regard, but does not dispute this fact that no prosecution witness has been examined so far.

At this stage, Mr. Prateek Pandit, learned counsel for the petitioner has pointed out that the petitioner is on bail in the other case and the quantity of recovered tablets was non-commercial in nature.

After hearing learned counsel for the parties, this Court finds that the petitioner is at an advanced age and being lady deserves the concession of regular bail, particularly when the trial is likely to consume considerable time to conclude, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after her arrest on 11.08.2019 is presently confined in judicial custody, therefore, her further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Kapurthala.

The petition is allowed.

17.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No