

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-17703-2020

Date of Decision:04.12.2020

Sarabjeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, 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 petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in FIR No.117 dated 22.10.2018 under Sections 22/31 of the NDPS Act, 1985, registered at Police Station Sadar Sangrur, District Sangrur.

The recovery in the case is 225 intoxicant syrup bottles labeled as Wincirex 100 ml each, containing Psychotropic substance Codeine Phosphate and 8000 intoxicant tablets labeled as Alprasafe 0.5, containing Psychotropic substance Alopazolam from the possession of the petitioner and Malkit Singh @ Vicky, the other co-accused, who happens to be husband of the petitioner and the recovered contraband is commercial.

was arrested in the case on 22.10.2018 and she remained in custody from 23.10.2018 to 26.12.2018 and was thereafter released on interim bail, to await the FSL report. On receipt of FSL report, she remained in custody from 21.11.2019 to 03.12.2020 and in this manner, total custody of the petitioner comes to 01 year, 02 months and 15 days. Petitioner was convicted in another case i.e. FIR No.213 dated 20.06.2016 under Section 21 of the NDPS Act, registered at Police Station Sadar Sangrur, for having found in possession of 04 grams of smack. She was sentenced for 21 days and to pay a fine of Rs.5,000/-. He further submits that the petitioner has been named in the case as she is wife of co-accused Malkit Singh @ Vicky, who is in custody. The entire prosecution version in the case is based upon the police witnesses right from the stage of arrest of the accused, search and seizure, and sending the recovered contraband to the Chemical Examiner. Despite the fact that the recovery was allegedly effected from the petitioner, no independent witness was joined or examined by the police while conducting search and seizure.

Learned State Counsel submits that the commercial quantity is recovered from the possession of the petitioner in association of her husband and therefore, she is not entitled for bail as she has already been convicted in another case under the NDPS Act.

Heard learned counsel for the parties.

Petitioner is in custody for about 01 year, 02 months and 15 days. Admittedly, her husband was driving the scooty, whereas the petitioner was the pillion-rider. Petitioner is a lady and her husband is also accused in the present case. Moreover, in view of COVID-19 pandemic, conclusion of trial will take sufficient long time. Thus, 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 adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is further directed that the petitioner shall not influence the trial, in any manner. It is made clear that if the petitioner is found indulged in any case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of her bail in the present case as well.

December 04, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No