

CRM-M-18037 of 2020

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18037 of 2020

Date of decision:27.07.2020

Jyoti @ Mannu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Sidhu, Advocate , for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in FIR No.0019 dated 13.02.2020 under [Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985](#) registered at Police Station Arniwala, District Fazilka.

Counsel for the petitioner has urged that the petitioner is a 19 years old house wife and she was sitting on the pillion of the motorcycle which was being driven by her husband-Vakil Singh. The motorcycle was intercepted by a police party. After parking the motorcycle, husband of the petitioner ran away from the spot. The petitioner extended full co-operation to the police and she did not object to the checking of the motorcycle from where a plastic bag was recovered which contained 3000 tablets of Clevidol. According to the counsel, neither the petitioner nor her husband was the owner of the vehicle. Counsel further submits that the petitioner has a 09 months old child and she was not aware of the intoxicants being

allegedly carried on the motorcycle.

Opposing the petition, on instructions from ASI Hardev Singh, State counsel submits that quantity recovered was commercial and the petitioner, therefore, is not entitled to the grant of concession of bail. He further submits that presumption of law is against the petitioner. As per his instructions, challan was filed on 08.07.2020, the charges are yet to be framed and next date before the trial Court is 30.07.2020.

State counsel has filed the custody certificate of the petitioner which is taken on record.

Heard.

Keeping in view the above circumstances and particularly conduct of the petitioner when the motorcycle was intercepted by the police and the fact that she has a 09 months old child to take care of, the petitioner is entitled to the grant of concession of regular bail.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

July 27, 2020
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No