

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19688 of 2020

Date of Decision: August 07, 2020

Razia Parveen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saqib Ali Khan, Advocate,
for the petitioner.

Mr. P.S.Walia, AAG, 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.77 dated 10.06.2019, under Sections 22/61/85 NDPS Act, registered at Police Station, City-I Malerkotla, District Sangrur. The petitioner is in custody since her arrest on 10.06.2019.

As per the allegations in the FIR, on 10.06.2019, a secret informer gave information to the police that Abdul Rasheed son of Abdul Hameed and Razia Parveen wife of Abdul Rasheed were selling intoxicant substance, who came to bazaar on their scooter bearing No.PB13BB-0817 and upon setting up a check post near Chouhni Masjid, they both could be apprehended along with intoxicant tablets. The information was believed and acted upon, whereupon 3000 tablets of Alprsafe and 1000 loose capsule of Pervorin Spas were recovered from the vehicle.

Learned counsel for the petitioner contends that the petitioner was a pillion rider on a two wheeler which was being driven by her husband, namely, Abdul Rasheed, when they both were apprehended and arrested for having in their possession the alleged contraband. He has further submitted that the investigation of the case is complete and only one witness has been examined so far out of total seventeen witnesses, therefore, the further custody of the petitioner may not be useful for any purpose. He prays for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Sahab Singh, has opposed the prayer on the ground that the contraband recovered from the scooter falls in commercial quantity. However, it is not disputed by him that the petitioner was a pillion rider and no recovery was effected from her. He has pointed out that the petitioner is involved in another case FIR No.98 dated 22.11.2018, under Section 22 NDPS Act, Police Station, City-I Malerkotla and she is confined in custody in the said case as well. In this regard, he has produced her custody certificate by way of affidavit of Rajbirinder Singh, PPS, Deputy Superintendent, District Jail, Sangrur.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after her arrest on 10.06.2019, is presently confined in judicial custody, therefore, her further detention behind the bars may not be necessary.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Sangrur.

The petition is allowed.

August 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No