

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

CRM-M-23045-2020

Date of decision: 21.8.2020

Sukhwant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.GS Sandhu, Advocate for the petitioner

Mr. Mehardeep Singh, Addl.AG, Punjab
assisted by SI Gurmej Singh

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

By way of the present petition, the petitioner seeks regular bail in case FIR No.072 dated 19.6.2020 registered under Section 21 of the NDPS Act at Police Station S.T.F. District Wing, Sri Muktsar Sahib.

Learned counsel for the petitioner submit that the recovery of 300 grams of heroin was effected from the car owned by co-accused Baldeep Singh. The petitioner was sitting on the rear seat of the vehicle. He further submits that while the petitioner in fact had videographed the whole sequences, in which the police claims recovery in the instant case. Mobile

phone of the petitioner was snatched and Rs.50,000/- was demanded, which the petitioner could pay, therefore, she has been falsely implicated. She is not involved in any other FIR. She is in custody since 19.6.2020. The petitioner is a middle aged household lady and not involved in any other FIR.

On the other hand, learned State counsel opposes the prayer of the petitioner. He submits that as per the enquiry one of the accused is the son-in-law of the petitioner. Learned State counsel further submits that FSL report is awaited, therefore, the challan has not been filed.

Heard.

Certain facts that go uncontroverted are that the petitioner, who is in her middle age, is not involved in any other FIR and recovery is not effected from her conscious possession. The fact that the co-accused being her relative is not the circumstance that can be read against the petitioner. She is in custody since 19.6.2020. At this stage, there is total uncertainty in the matter as the challan is yet to be presented. In the circumstances, the Court feels that the further incarceration of the petitioner is not warranted at this stage.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail during the pendency of trial on her furnishing bail bonds in the sum of Rs.50,000/- with two local sureties in the like amount to the satisfaction of the trial Court/ CJM/ Duty Magistrate.

However, anything notice hereinabove, shall not be construed as an expression of opinion on the merits of the case.

21.8.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No