

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.104

CRM-M-22374-2020
Date of decision : 3.9.2020
..... Petitioner

Simran Kaur @ Indu

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Dadwal, Advocate, for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

Report dated 27.8.2020 has been received from the trial Court and I am satisfied with the explanation given. No further orders are required, in this regard.

The petitioner seeks regular bail in case FIR No.95 dated 14.9.2017, registered at Police Station Mehna, District Moga, under Sections 22/61/85 of NDPS Act, 1985.

According to the FIR, 01 kg. of intoxicating powder was allegedly recovered from the hand-bag of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 03 years. The trial is not likely to be concluded at an early date as the trial Courts are only adjourning cases on account of ongoing Covid-19 pandemic. The petitioner has been falsely implicated in this case on account of the fact that she was cited as a prosecution witness in CC No.5 of 9.11.2009 titled as C.B.I Vs. Devinder Singh Garcha and others and was due to depose on 16.8.2017. The petitioner has been falsely implicated in 04 other cases as revealed by the custody certificate. The said cases are, FIR No.15 dated 6.10.2017, FIR No.196 dated 12.9.2017, FIR No.184 dated 15.9.2017 and FIR No.129

16.9.2017. In fact, in these cases, the petitioner was nominated as an accused while she was in custody in the present case. The petitioner is being victimized and deserves to be granted regular bail.

Learned State counsel has submitted custody certificate dated 2.9.2020 in Court today and the same is taken on record.

A perusal of the custody certificate reveals that the petitioner was arrested in the present FIR on 14.9.2017. She is also shown as accused in FIR No.15 dated 6.10.2017, FIR No.196 dated 12.9.2017, FIR No.184 dated 15.9.2017 and FIR No.129 dated 16.9.2017. On the dates the said FIRs were registered, the petitioner admittedly was in custody in the present case, except FIR No.196 dated 12.9.2017, in which she has been nominated as an accused after being arrested in the present case. The record further indicates that the petitioner was to depose as a prosecution witness in CC No.5 of 9.11.2009 titled as C.B.I Vs. Devinder Singh Garcha and others on 16.8.2017 (reference can be made to order dated 26.7.2017, annexure P-1). Thus, the inference drawn by learned counsel for the petitioner is justified.

The petitioner has been in custody for 02 years, 11 months and 15 days and admittedly, the trial is not likely to be concluded at an early date, thus, I deem it appropriate to grant regular bail to her. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

3.9.2020

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes
No