

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

CRM-M-24319 of 2020

Date of Decision: August 31,2020

Harpal Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P.S Sekhon, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

HARINDER SINGH SIDHU,J

Prayer is for grant of regular bail in case FIR No.192 dated 05.07.2020 under Section 21 and 29 of NDPS Act registered at P.S Bhawanigarh, District Sangrur.

As per allegations, on receipt of secret information to the effect that husband of the petitioner and Sarabjit Singh @ Sarba used to sell Heroin/chitta and were selling Heroin/Chitta to the customers in their Verna Car bearing No.PB-13AQ-8333, a raid was conducted. Amrik Singh- husband of the petitioner and said Sarabjit Singh @ Sarba were apprehended and are alleged to have been found in illegal possession of 800 gram Heroine. On the basis of disclosure statement having been made by Amrik Singh, another 600 gram of Heroin was recovered from his possession. In his statement, he also named the petitioner (his wife) and others.

Learned counsel for the petitioner contends that nothing has been recovered from the conscious possession of the petitioner. Allegations against the petitioner are only of conspiring with her husband to commit

offence, hence provisions of Section 37 are not attracted. The petitioner has three minor children and there is no one in the family to look after them and that she is in custody since 05.07.2020.

Opposing the petition, the learned State counsel has submitted that the investigation is still going on.

Without commenting anything on the merits of the case and also bearing in mind the facts of matter in hand, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Harpal Kaur is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

This present petition stands accepted accordingly.

August 31, 2020
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No