

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

CRM-M-23723-2019 (O&M)
Date of Decision:- 25.11.2020

Jaswinder Kaur @ Shinder @ Binder ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. A.S. Sandhu, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner, who was found in possession of 4500 tablets of KAMMOL-100 SR containing Taramadol, seeks grant of regular bail in a case registered vide FIR No.66 dated 1.10.2018 under Sections 22 of NDPS Act at Police Station City Thulliwal, District Barnala.
2. The learned counsel for the petitioner has submitted that the petitioner who has a clean record and is a lady has not ever been involved in any other case and has been involved falsely in the present case. The learned counsel has further submitted that in any case, since the petitioner as on date has been behind bars since the last more than 2 years, the petitioner deserves the concession of bail.
3. Opposing the petition, the learned State counsel has submitted that since it is a case of recovery of contraband which would fall in the category in the 'commercial' quantity, no case for grant of bail is made out. The learned

State counsel, upon instructions from ASI Bali Ram has, however, informed that the petitioner, as on date, has been behind bars since the last 2 years and one month and that she is not involved in any other case. It has further been informed that as on date only 6 out of the cited 17 prosecution witnesses have been examined.

4. I have considered rival submissions addressed before this Court.
5. This Court would bear in mind the following facts for the purpose of considering the matter regarding grant of bail to the petitioner :-
 - (i) The petitioner is a lady.
 - (ii) The petitioner has a clean record and is not involved in any other case.
 - (iii) The petitioner has been behind bars since the last more than 2 years.
 - iv) The trial under normal circumstances is not expected to be concluded immediately especially in the present circumstances of spread of pandemic as only 6 out of the cited 17 prosecution witnesses have been examined.
6. Bearing in mind the aforestated factual position, especially that it is a case of a lady who has a clean record and who has been behind bars for more than 2 years, the petition is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.11.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No