

CRM-M-27290-2020

Date of decision: 16.12.2020

Hamida

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Rishab Gupta, Advocate
for the petitioner.Mr. Jagmohan Ghuman, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Petitioner-Hamida has come up in this second regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.0214 dated 30.08.2019 under Section 22 of the NDPS Act registered at Police Station City Rajpura District Patiala.

The brief allegations against the petitioner are that on 30.08.2019, the petitioner was apprehended while walking and from her possession, 25500 intoxicating tablets were got recovered.

Learned counsel for the petitioner *inter alia* contends that

the petitioner has already undergone incarceration for more than 01 year and 04 months and that there is no other criminal case against her and has sought to seek refuge on the principal of parity by placing reliance on CRM-M-16336-2020 (O&M) decided on 29.07.2020 titled as **'Sanjay Kumar versus State of Punjab'**, CRM-M-15530-2020 (O&M) decided on 24.07.2020 titled as **'Sagar Arora versus State of Punjab'**, CRM-M-19285-2020 decided on 06.08.2020 titled as **'Taranjit Singh @ Tarni versus State of Punjab'**, CRM-M-46318-2019 decided on 17.12.2019 titled as **'Jagsir Singh @ Seera versus State of Punjab'** and CRM-M-16824-2020 decided on 30.06.2020 titled as **'Raj Kumar versus Narcotic Control Bureau, Chandigarh'**.

The learned State counsel has strongly opposed the grant of bail on the grounds of heinousness of the offence and the fact that if allowed bail, the petitioner might influence the trial.

Appreciating the submissions which is duly conceded at the bar by the learned State counsel that petitioner is the first offender and no other criminal case is pending against her. Moreover, in view of the ratios laid down where similarly placed petitioners have been allowed regular bail by this Court and the fact that due to COVID-19 pandemic, there is every likelihood that the trial is not likely to be accomplished in the near future, no useful purpose would be served by keeping the petitioner behind the bars. Culpability, if any, shall be determined at the time of trial.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

16.12.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No