

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.M-28159 of 2020

Date of Decision: September 28, 2020

Balvir Kaur alias Biri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.196 dated 12.09.2017, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Dharamkot, District Moga. The petitioner is in custody since her arrest on 01.05.2019.

As per the allegations in the FIR, on 12.09.2017, when the police party was 1½ kilometer behind Dharamkot town, one lady was seen coming on foot from the opposite side, holding a carry bag in her hand. On seeing the police vehicle, she got perplexed and took turn towards the kacha path. On suspicion, she was apprehended and on enquiry, she disclosed her name as Balvir Kaur @ Biri. The plastic carry bag held by Balvir Kaur was searched and 250 grams of narcotic powder was recovered. On these broad

allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the concession of interim regular bail was extended to the petitioner as the FSL report was awaited. It is pointed out that the petitioner remained on interim bail w.e.f. 03.02.2018 till 02.05.2019 and the said concession was never put to any misuse by her. He submits that the prosecution has examined only seven witnesses so far and the trial is likely to consume considerable time, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Charanjit Singh, has opposed the prayer on the ground that the petitioner was found in possession of 250 grams of intoxicating powder, which is commercial quantity as per the N.D.P.S.Act, 1985. He further contends that the petitioner is involved in a similar case bearing FIR No.169 dated 09.08.2017. However, it is not disputed that during the period of interim bail, petitioner was not involved in any other illegal or unlawful activities.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after her arrest on 01.05.2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the

satisfaction of the trial Court/Duty Magistrate, Moga.

The petition is allowed.

September 28, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No