

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-30509 of 2020

Date of Decision: December 07, 2020

Amandeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Amandeep Kaur, Advocate,
for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, 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.92 dated 01.07.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Badni Kalan, District Moga. The petitioner is in custody since her arrest on 01.07.2018.

As per the prosecution, on 01.07.2018, the police party was going from Badni Kalan to Rauke Kalan for patrolling and looking for suspicious persons and when they reached Rauke Kalan near the drain, a lady was seen coming holding a black coloured polythene bag in her hand. She was apprehended on suspicion and on search, 75 grams intoxicating powder was recovered from her possession. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner is in custody for the last more than two years. The charges in this case were framed on 19.11.2018 and the trial is progressing slowly. She further

submits that the trial is likely to consume considerable time, particularly in the prevailing condition as there is outbreak of pandemic COVID-19 in the region and, therefore, the further custody of the petitioner may not be justified. She prays for grant of bail, during the pendency of the trial.

On the other hand, the prayer is opposed by the learned State counsel assisted by ASI Jagsir Singh on the ground that the recovered contraband would fall within the category of commercial quantity. He, on instructions, submits that the petitioner is not involved in any other case of similar nature and still three prosecution witnesses remain to be examined.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court does not find any reason to decline the prayer. Apart from it, this Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 01.07.2018 and her further detention may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Moga.

December 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No