

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

CRM-M-31346 of 2020.

Decided on:- December 04, 2020.

Bimla Devi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Present is a second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.125 dated 26.04.2019 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur.

The earlier petition i.e. **CRM-M-27673 of 2019** titled as ***Bimla Devi Versus State of Punjab*** filed by petitioner for the same relief was dismissed vide order dated 31.01.2020 passed by this Court.

Learned counsel for the petitioner has argued that the recovery of 3.4 Kg. of poppy husk was effected from the dicky of Aactiva scooter being driven by Surinder Pal husband of the petitioner. The petitioner has been involved in the case as she is the wife of co-accused Surinder Pal and was a pillion rider on Aactiva scooter.

He has further submitted that the petitioner was taken in custody on 26.04.2019 and was released from the jail on 10.07.2019 and thereafter, she was again taken in custody on 07.11.2019. In this manner, she is in custody for more than one year.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Though he does not dispute the custody of petitioner, but has argued that the petitioner was found in conscious possession of the contraband and, therefore, she is not entitled for bail.

I have heard learned counsel for the parties.

The petitioner is the wife of co-accused Surinder Pal, who was driving the Aactiva scooter at the time when the recovery of poppy husk was effected from the dicky of the scooter. The petitioner is in custody for the last more than one year and her culpability is yet to be established during the trial. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No