

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 34325 of 2020 (O&M)
Date of Decision: 03.11.2020

Bijaya Bhadra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Varun Sharma, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-26421-2020

This is an application under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for releasing the petitioner on interim bail during the pendency of the trial till the subsistence of pandemic of Covid-19.

Learned counsel for the applicant-petitioner submits that charges have been framed in the present case and no prosecution witness has been examined till date. He further submits that the Central Jail, Kapurthala is over-crowded and is not a safe place in the pandemic situation of Covid-19 and prays that the applicant-petitioner may be released on interim bail.

The application has been opposed by the learned State counsel.

Heard.

No ground for grant of interim bail to the applicant-petitioner is

made out.

The application is dismissed.

CRM-M-34325-2020

The petitioner seeks regular bail in FIR No. 146 dated 17.10.2019 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Maqsudan, District Jalandhar.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Kapurthala has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that petitioner has a minor daughter, aged 06 years and she is being looked after by the mother-in-law of the petitioner, who has been suffering from serious ailment and her husband has already left.

Learned State counsel points out that the earlier bail petition of the petitioner was got withdrawn on 15.7.2020. He further submits that 500 grams of heroin has been effected from the petitioner which falls under the commercial quantity. He has not disputed the fact that the petitioner has been in custody from the last 01 year and 12 days and there is no other case pending against her.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

As per the allegations in the FIR, the petitioner was found in conscious possession of 500 grams of heroin. The recovery effected from the petitioner is heavy and falls under the commercial quantity and, thus, the provisions of Section 37 of the Act have been attracted. The allegations

against the petitioner are serious in nature.

No ground for grant of regular bail to the petitioner is made out.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

November 03, 2020
Gurpreet

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