

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

CRM-M-38812-2020(O&M)

Date of decision : 26.11.2020

Ratanjot Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.363 dated 29.11.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner would contend that the allegation in the present case is that the petitioner was apprehended with 120 grams of Nitrazepam, which is well below the commercial quantity. He would further contend that the only ground on which the bail of the petitioner has been rejected is that she had been declared proclaimed offender in the present case. He has further contended that the petitioner has an eight months' old child who is with her in jail.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instructions from ASI Kuldip Singh, has contended that though the quantity is non-commercial in the present case, however, but the facts remains that the

petitioner has been declared a proclaimed offender and, therefore, she is not entitled to the grant of regular bail.

I have heard learned counsel for the parties.

In the present case, though the recovery is of non-commercial quantity, however, the bail of the petitioner has been rejected by the Special Court only on the ground that the petitioner has been declared as a proclaimed offender vide order dated 08.08.2019. However, this Court cannot lose sight of the fact that there is an eight month old child who is in jail right now with the petitioner. Keeping in view the fact that the challan has been presented and that the recovery was of a non-commercial quantity and the fact that the petitioner has an eight month old child who is with her in jail and without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail/personal bonds to the tune of Rs.2,00,000/- and one surety of the like amount to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

(ALKA SARIN)
JUDGE

26.11.2020
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO