

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42220 of 2020(O&M)
Date of Decision: 21.12.2020

Rozi Kaur

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt., A.G, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner is in second attempt seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.250 dated 02.05.2020 registered under Sections 22, 61, 85 of the NDPS Act (Section 29 of the NDPS act added later on) at Police Station City Barnala, District Barnala.

Earlier interim bail was granted to the petitioner vide order dated 24.07.2020 passed in CRM-M No.17854 of 2020 in view of ratio laid down in **Inderjeet Singh @ Laddi Vs. State of**

Punjab 2014(3) RCR (Criminal) 953.

The FIR has been registered on the basis of secret information. Petitioner was arrested and 150 strips of intoxicant tablets each containing 10 tablets were allegedly recovered from the petitioner.

Learned counsel for the petitioner by referring to the recovery memo submits that 'number' of FIR has appeared at the top of the recovery memo which is not even signed by the petitioner. The preparation of the recovery memo at the time, when the FIR was not in existence creates serious doubt qua the authenticity of the prosecution case.

Petitioner is a lady and keeping in view the stringent provisions of NDPS Act, a stricter test for compliance of statutory provision has to be fastened upon the prosecution.

Learned State counsel, however, opposed the prayer on the ground that huge quantity of contraband has been recovered from the petitioner.

The genuineness of the recovery memo would be debatable in view of FIR number appearing at the tope of it and document having not signed by the petitioner. Petitioner is in custody for about more than four months.

Looking to the aforesaid facts, in view of the situation

arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

21.12.2020

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No