

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

**CRM-M No.38766 of 2019(O&M)
Date of Decision: 14.12.2020**

Sawinder Kaur @ Shindo

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.152 dated 30.11.2018 registered under Sections 22, 29 of the NDPS Act at Police Station Maqboolpura, District Amritsar.

The FIR was registered on the basis of secret information. The information was in respect of gambling in the house. The raid was conducted and three women were found sitting on a bed in front of the room of the house. They were packing some material from a large polythene to small

polythene bags. On seeing the police party, they threw the polythene bags on the bed and tried to flee. They were apprehended. Petitioner was one of them. Second woman was Jyoti and third woman was Rajni.

Learned counsel for the petitioner submits that Jyoti and Rajni have been granted regular bail by the High Court vide orders dated 01.02.2019 and 16.12.2019 passed in CRM-M No.4054 of 2019 and CRM-M No.37342 of 2019 respectively. Learned counsel further submits that no independent witness has been joined despite the raid being conducted on the basis of secret information. Police was bound to comply with the mandatory compliance of Section 50 of the NDPS Act from the stage at which raiding party came to know about the presence of contraband. Police has not complied with Section 52-A of the NDPS Act. The seal after use was given to the official only. Petitioner is in custody since 30.11.2018.

Per contra, learned State counsel submits that the petitioner is having antecedent behaviour as she is involved in number of cases including the case under NDPS Act.

Learned counsel for the petitioner submits that the petitioner is on bail in all the aforesaid cases. Except one NDPS Act, other cases are under Excise Act. In NDPS case, the petitioner was granted bail on 29.08.2018.

Due to the situation arising out of pandemic Covid-19, the trial has not progressed with its normal speed.

In view of aforesaid facts and circumstances of the case particularly in view of the fact that the petitioner is a lady and is in custody since 30.11.2018, 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.

14.12.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No