

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

CRM-M-40616-2019

Date of decision: 25.2.2020

VEERPAL KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab
assisted by SI Amar Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.139 dated 5.7.2019 under Sections 22 NDPS Act at Police Station Tripuri, District Patiala.
2. The case of the prosecution in nut-shell is that on 5.7.2019 the petitioner along with co-accused Darshan Singh was apprehended while travelling on a scooty driven by her husband Darshan Singh. A search of the scooty yielded recovery of 820 intoxicant tablets from the '*Dickey*' of the said scooty. The scooty in question was found to be registered in the name of co-accused Darshan Singh. Upon chemical examination, the recovered tablets were found to contain 'Diphenoxylate Hydrochloride'.
3. Learned counsel for the petitioner submitted that she was sitting on pillion of the scooty from whose '*Dickey*' contraband was recovered and

that in these circumstances it cannot be said that she was in conscious possession of contraband allegedly recovered.

4. Opposing the petition, the learned State counsel has submitted that it is a case where the co-accused is none else but husband of the petitioner and since it is case of recovery of 'commercial quantity' of contraband, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Given the fact that the petitioner was sitting on pillion seat of the scooty, which is registered in the name of the co-accused Darshan Singh, it will certainly be debatable as to whether the petitioner can be attributed conscious possession of recovered contraband or not. In any case, the petitioner has been behind bars since last about 8 months and in these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

25.2.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**