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

CRM-M No. 43753 of 2019
Date of Decision: 12.11.2020

Shinder Kaur

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, A.A.G., 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.92 dated 30.07.2019 under Sections 22/61/85 of NDPS Act registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Petitioner is a lady.

Petitioner was apprehended on 30.07.2019 when she threw the polythene bag on the road and entered the house from back side of the shop. She was apprehended on suspicion and 85 strips containing 10 tablets each total 850 tablets of

Tramadol Hydrochloride Tablets-100 MG, Clovicol 100 SR having batch number and other particulars were recovered.

Form M-29 was prepared by the police and seal after use was handed over to ASI Judge Singh No.405.

Learned counsel for the petitioner submits that representative samples were not drawn in the presence of Magistrate and the seal after use was handed over to official witness.

Petitioner is not involved in any other case, therefore, *prima facie* opinion can be made under Section 37 of NDPS Act in respect of innocence of the petitioner.

Learned counsel for the petitioner relies upon **CRM-M No.11445 of 2020** titled 'Nikka Ram @ Nikka vs State of Punjab' decided on 11.08.2020, **CRM-M No.33171 of 2019** titled 'Manjeet Singh @ Baggar vs State of Punjab' decided on 13.08.2020, **CRM-M No.1009 of 2020** titled 'Mandeep Singh vs State of Punjab' decided on 20.01.2020 and contended that keeping in view the past clean antecedent of the petitioner, petitioner can be released on bail.

Learned State counsel, on the other hand, opposed the bail on the strength of prosecution case and submitted that out of 15 PWs, 01 PW has been examined and the next date before the trial Court is fixed for 10.12.2020.

Petitioner is in custody since 30.07.2019.

Petitioner is not involved in any other case.

As per custody certificate, petitioner has completed incarceration of more than 01 year, 02 months and 10 days as on date.

Trial of the case may take further time in its culmination due to the situation arising out of pandemic COVID-19.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

12.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No