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

**CRM-M No.44066 of 2019
Date of Decision: 31.01.2020**

PRITAM KAUR @ BAWI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Ramandeep Sandhu, D.A.G., Punjab.

Ms. Ameena Singh, Advocate for
Mr. Vikram Anand, Advocate
for the contemner/ASI Sarabjit Singh.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.145 dated 16.07.2019, registered under Section 21 of the NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala.

The present petition was disposed of vide order dated 22.10.2019 with a liberty to the petitioner to move an application for revival of the instant petition, if information supplied by learned State Counsel is incorrect.

In fact at that stage, the present petition was disposed of on the ground that learned State counsel on instructions from ASI Sarabjit Singh had submitted before the Court that the petitioner was also involved in another FIR No.177 dated 25.06.2017 under Section 22 of the NDPS Act. On the basis of aforesaid complicity of the petitioner, the petition was ordered to be disposed of with a liberty given to the petitioner to get the petition revived in case the statement of ASI Sarabjit Singh is found to be otherwise.

Thereafter CRM No.33990 of 2019 was filed by the petitioner on the ground that statement made by ASI Sarabjit Singh with regard to pendency of another case was factually incorrect. The Court vide order dated 22.01.2020 has recalled the order dated 22.10.2019 and that is how, the present petition has been restored.

The alleged recovery from the petitioner is of 260 grams of heroin.

Learned counsel for the petitioner by relying upon **CRM-M No.26153 of 2013** titled **'Hardeep Singh @ Deepa vs. State of Punjab'** decided on 30.09.2013; **CRM-M No.30672 of 2019** titled **'Satnam Singh @ Sattu vs. State of Punjab'** decided on 17.09.2019; **Gurpreet Singh @ Gopi vs. State of Punjab, 2014(14) R.C.R. (Criminal) 327; Shinda vs. State of**

Punjab, 2013(3) R.C.R. (Criminal) 557 and *Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(22) R.C.R. (Criminal) 301*

submitted that the alleged recovery is slightly more than the prescribed limit for non-commercial quantity. The error of measurement cannot be ruled out. Petitioner is not involved in any other case, therefore, concession of bail can be advanced to the petitioner.

As regards wrong statement given by ASI Sarabjit Singh, the officer has explained his position and tendered unconditional apology on the premise that there was a confusion with regard to the present FIR and FIR No.170 as Pritam Kaur was the accused involved in both the cases. The officer has tendered unconditional apology by way of an affidavit.

Since the order dated 22.10.2019 has already been recalled and the petitioner has been heard on merits, therefore, I deem it appropriate to accept the explanation given by ASI Sarabjit Singh.

Learned State counsel on instructions from ASI Jaswinder Singh submitted that challan has been presented. Charges have not been framed so far. The trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since

16.07.2019 can be enlarged on bail.

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

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

January 31, 2020	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No