

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

203

Crl. Misc.No.M-50094 of 2019 (O&M)

Date of Decision:- 28.09.2020

Pushpa

....Petitioner

vs.

The State of Punjab

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. R.P. Dhir, Advocate,
for the petitioner.

Mr. Saurabh Khurana, DAG, Punjab.

Sudhir Mittal, J. (Oral)

Crl. Misc.No.21544 of 2020

This application has been filed for placing on record judgments
Annexures P-12 and P-13.

Notice of motion.

Mr. Saurabh Khurana, DAG, Punjab accepts notice and waives
service and has no objection in case the application is allowed.

Accordingly, the application is allowed and Annexures P-12
and P-13 are taken on record.

Crl. Misc.No.M-50094 of 2019

The petitioner seeks regular bail in FIR No.92 dated 03.05.2018
registered at Police Station Tanda, District Hoshiarpur under Section 21 of
the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter
referred to as 'the NDPS Act').

Learned counsel for the petitioner submits that the petitioner has been in custody for over one year and eleven months. The trial is not likely to be concluded at an early date as only a single witness has been examined. Keeping in view the custody period as well as the status of the trial, the petitioner deserves to be granted regular bail.

The State had placed on record a custody certificate dated 24.08.2020, according to which the petitioner has undergone actual custody of one year, ten months and two days. Thus, it is evident that as on date the petitioner has undergone actual custody in excess of one year and eleven months. Four criminal cases are shown pending against the petitioner.

Learned State counsel, thus, argues that there are other cases under the NDPS Act pending against the petitioner and she may not be granted regular bail.

Learned counsel for the petitioner has placed on record judgments dated 9.3.2015 (Annexure P-11), 16.11.2015 (Annexure P-12) and 6.8.2018 (Annexure P-13). The said judgments show that the petitioner has been acquitted in FIR No.228 dated 23.11.2010. In FIR No.224 dated 29.08.2013, the petitioner has already undergone sentence of two months and in FIR No.227 dated 29.08.2013, she has been released on probation. This leaves FIR No.155 dated 11.6.2014 registered at Police Station Tanda under Section 22 of the NDPS Act regarding which it had been submitted that the recovery therein was 100 gms. of Tramadol which has not been declared a psychotropic substance at the relevant time. Thus, it has been argued that there is no other case under the NDPS Act pending against the petitioner.

From the above, it is evident that the trial is not likely to be

concluded at an early date and that there is no other case under the NDPS Act pending against the petitioner. The petitioner has been in custody for almost two years and deserves to be released on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate concerned.

September 28, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No