

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

CRM-M-53658-2019 (O&M)

Date of Decision: September 28, 2020

Manjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.198 dated 19.08.2019, under Section 21 N.D.P.S.Act, 1985, registered at Police Station, Patran, District Patiala. The petitioner is in custody since her arrest on 19.08.2019.

As per the allegations in the FIR, on 19.08.2019, when the police party was going from Sangrur Kanchian Patran towards Nial bye-pass in connection with patrolling and search of bad elements, Shinda Ram and his wife Manjeet Kaur were seen walking. On seeing the police party, Shinda Ram threw a polythene carry bag carried by him. On the basis of suspicion, they were apprehended and on checking of the polythene bag thrown by Shinda Ram, 10 grams smack was recovered and from the hand bag carried by Manjeet Kaur, 700 loose intoxicant tablets were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the charges against the petitioner were framed on 19.12.2019 and no witness has been

examined so far by the prosecution. He submits that as the trial is not making any progress, therefore, the further custody of the petitioner may not be justified and prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by SI Jagan Nath, does not dispute this fact that no prosecution witness has been examined till date. He further, on instructions, states that the petitioner is not involved in any other case. However, the prayer is opposed on the ground that the recovery of 700 loose intoxicant tablets brings the case within the ambit of commercial quantity.

Considering the above background, custody of the petitioner, who is a lady, and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after her arrest on 19.08.2019, is presently confined in judicial custody, therefore, her further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

The petition is allowed.

September 28, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No