

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

**CRM-M-55233-2019
Date of decision: 10.01.2020**

Gogi Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 50 dated 30.03.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, ASI Krishan Lal and HC Jagtar Singh, while going on a motorcycle with regard to patrolling, noticed that the petitioner, her husband Paramjit Singh @ Pamma and son Raju are keeping the boxes of intoxicant tablets into a deep pit dug in the ground. When they stopped the motorcycle and tried to apprehend the accused, all of them ran away from the spot and thereafter, a *ruqa* was sent to the police station and the SHO was asked to reach at the spot. It is further stated in the FIR that despite the efforts, no witness from the public could be joined and on checking, 6000 intoxicant tablets were recovered.

Learned counsel for the petitioner further submits that co-accused of the petitioner i.e. her son Raju @ Rajwinder has been granted concession of anticipatory bail, vide order dated 29.05.2019 passed by this Court in CRM-M-24241-2019 noticing the fact that he was not arrested at the spot and his antecedents are clean.

Learned counsel for the petitioner further submits that anticipatory bail application of the petitioner was, however, dismissed as it was noticed that she was convicted in two other cases under the Excise Act, vide order dated 29.08.2019 passed in CRM-M-26165-2019. It is further submitted that thereafter, the petitioner surrendered on 10.09.2019 and since then, she is in judicial custody.

Learned counsel for the petitioner further submits that challan stands presented and apart from the present FIR, the petitioner is not involved in any other case under the NDPS Act.

Learned State counsel, on instructions from ASI Jagtar Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position that the petitioner was not arrested at the spot and she is not involved in any other case under the NDPS Act, though it is submitted that her husband is involved in nine other cases under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact petitioner is in judicial custody since 10.09.2019; she was not arrested at the spot; co-accused has been granted concession of anticipatory bail as noticed above; she is not involved in any other case under the NDPS Act and also in view of the fact that conclusion of trial is likely to take some

time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

10.01.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>