

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101-201-CRM-M-1973-2021

Date of Decision: 23.02.2021

Rajdeep Kaur @ Kali

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. FS Virk, Advocate for the petitioner

Mr. Suveer Sheokhand, AAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

CRM-4959-2021

Allowed as prayed for.

Document (Annexure P9) is taken on record subject to just exceptions.

CRM stands disposed of.

Main case

The petitioner Rajdeep Kaur @ Kali aged 32 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.303 dated 04.06.2020 under Section 22 of NDPS Act, 1985, registered at PS City Barnala, District Barnala.

Record shows that vide order dated 21.01.2021 State was asked to file its status report. The order dated 21.01.2021 is reproduced hereunder:-

“Learned counsel for the petitioner submits that she was on interim bail till the receipt of FSL report, under orders of this Court, passed on 07.08.2020 in CRM-M-19790-2020. After the receipt of FSL report, she has surrendered on 27.11.2020.

Learned State counsel submits that the recovery made from the petitioner, is 182 gram 83 mg of Clonazepam, which falls under commercial segment (which is above 100 grams). It is further submitted that after the presentation of challan, the charges have also been framed on 23.12.2020 and there are total of 12 witnesses, out of which none have been examined till date. Learned State counsel further submits that the petitioner is also involved in two other criminal cases.

Let the status report be filed by the State regarding pendency of the cases against the petitioner.

Learned counsel for the petitioner may also file an affidavit explaining the pendency of two cases against the petitioner and any other fact.

List on 23.02.2021.”

In compliance thereto, learned counsel for the petitioner has filed an affidavit of Kuldeep Singh husband of the petitioner. In the affidavit, it is inter alia submitted that the petitioner has 2 small children and there is no female to look after the children. It is further stated that one of the child is having a medical ailment for which he has to repeatedly visit the hospital. He submits that prima facie the petitioner has a good case on merits. To support this submission, learned counsel makes reference to para 3&6 of the affidavit.

Learned counsel by making reference to para 7&8 of the affidavit submits that prior to the present FIR, the petitioner was allegedly involved in 2 other FIRs. He submits that the husband in order to show the bona fide of the petitioner offers to deposit the bank guarantee worth Rs.4 lakhs with the trial court with a further undertaking that the petitioner would not involve herself in any other case after the present one and in case she is involved and found guilty in any subsequent case, the amount as aforementioned shall stand forfeited and the same shall be deposited in the

Counsel for the petitioner submits that the petitioner is a young lady of 32 years and due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to her life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

Learned State counsel, on instructions, submits that it is correct that the petitioner is involved in 2 other cases. He submits that the next date before the trial court is 31.03.2021. There are a total of 14 witnesses and by now 2 witnesses have been examined. He submits that challan in this case was presented on 27.11.2020.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that the trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to her furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by her counsel, the petitioner, within one month from date of her release, would give an undertaking that she would not involve herself in any other case after today. In order to show her *bona fides*, the petitioner would submit bank guarantee worth of Rs.4 lakhs with the trial Court/Duty Magistrate. In the undertaking, it will also be incorporated that in case the petitioner is found involved in any other case and is held guilty from today, the bank guarantee shall be forfeited and the same shall be deposited in the

Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly

23.02.2021 <i>vishal shonkar</i>	(Girish Agnihotri) Judge
<i>1. Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>2. Whether reportable?</i>	<i>Yes/No</i>