

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2497-2021

DATE OF DECISION: JANUARY 25, 2021

DARSHAN KAUR @ DARSHO

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIDIT BANSAL, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, 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.98 dated 23.4.2018, under Section 22 NDPS Act, Police Station Sadar Nakodar, District Jalandhar. The petitioner is in custody since her arrest on 1.7.2018.

As per the allegations levelled in the FIR, when ASI Sukhwinder Pal Singh alongwith other police personnel was on patrolling duty, while going from Shanker Chak road near minor bridge, a lady was seen coming on road from the side of village Tahli and upon seeing the police party, she got perplexed and concealed the polythene bag in her under arm, which she was holding in her hand, and covered the same with her duppatta. On suspicion, she was apprehended and on enquiry she told her name as Darshan Kaur @ Darsho wife of Sarwan resident of village Chak Kalan, District Jalandhar. On her search, intoxicant powder was recovered from the polythene bag which weighed 140 gms. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the recovered contraband was marginally above the non-commercial quantity, and the petitioner is an old aged lady of 68 years who is having various ailments. He submits that the trial of the case is likely to consume considerable time, and prays that she be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Daljit has opposed the aforesaid prayer on the ground that the recovered contraband falls under within the ambit of commercial quantity. Further, he has produced the custody certificate of the petitioner filed by way of affidavit of Narpinder Singh, PPS, Deputy Superintendent, Central Jail, Kapurthala and pointed out that previously also, the petitioner was involved in number of cases of similar nature.

Considering the above background and the fact that 5 prosecution witnesses have been examined out of total 13 witnesses, this Court does not find it a fit case to grant regular bail to the petitioner.

The petition is dismissed.

January 25, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No