

CRM-M-3533-2020

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

CRM-M-3533-2020 (O & M)

Date of decision: 15.01.2021

Sonia

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arihant Jain, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.59 dated 10.07.2019, registered at Police Station Sadar Rajpura, District Patiala, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act').

As per the prosecution version, 80 injections each of Buprenorphine and Avil Phineramine Maleate had been recovered from the petitioner.

Learned counsel for the petitioner contends that the petitioner is a young lady and is not involved in any other case, much less of the similar nature, and that no independent witness had been joined while effecting the recovery and moreover, there was no compliance of provisions of Section 50 of the NDPS Act. He further contends that the petitioner gave birth to a child on 01.04.2020 and as per the affidavit

CRM-M-3533-2020

supported by a communication of Civil Surgeon, Patiala, the petitioner could be kept in a Creche alongwith two other inmates who could help her. However, no inmate is a medical expert to take care of the mother and the child. The petitioner was released on interim bail, which had been extended from time to time till 06.12.2020. He further contends that the petitioner has surrendered before the trial Court.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that charges have been framed. However, he admits that no witness has been examined so far.

I have heard the learned counsel for the parties.

Charges have been framed, but no witness has been examined by the prosecution so far. The petitioner is to take care of her newly born baby, aged about 09 months. She has been in custody since 10.07.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

15.01.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No