

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

202

CRM-M-5267-2021

Decided on : 10.08.2021

Veena Rani

... Petitioner

Versus

State of Punjab

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

(The proceedings have been conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks concession of regular bail in case FIR No.240 dated 19.11.2019 under Section 22 of NDPS Act, 1985, registered at Police Station City Malaut, District Sri Muktsar Sahib.

Counsel has mainly argued that though charges were framed way-back on 09.03.2021 by the Special Judge, Sri Muktsar Sahib, the prosecution has failed to produce even a single witness on 24.03.2021, 15.04.2021, 19.05.2021, 07.06.2021, 19.07.2021 and 28.07.2021. It is submitted that as per the custody certificate dated 12.03.2021, the petitioner has undergone 1 year 3 months 18 days and at present the custody is of 1 year 8 months. It is further submitted that there are no chances of completion of trial in the nearer future due to pandemic Covid-19. It has further been contended that the petitioner has four minor children and, therefore, bail is prayed for.

A perusal of the FIR would go on to show that the petitioner as such is the sole accused from whom 4070 tablets containing Tramadol Hydrochloride salt had been recovered, which would fall within the commercial quantity of 250 gms.

Counsel for the State has also pointed out that there is another FIR also lodged against the petitioner pertaining to different police station. It is the case of the counsel for the petitioner that the petitioner has been released on bail in that FIR and it is only on account of the earlier FIR having been lodged, the petitioner has been falsely implicated in the present case.

Keeping in view the fact that the petitioner is a lady and stated to be having four minor children and the trial is not likely to be completed in the near future and out of the 14 prosecution witnesses none has been examined due to pandemic situation of Covid-19, which though is improving, this Court is of the opinion that the petitioner is entitled to be released on bail.

In such circumstances, keeping in view the custody period of the petitioner and the fact that bail is a general rule and no useful purpose will be served by keeping the petitioner further in judicial custody as investigation is complete, the present petition is allowed. The petitioner be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate, Sri Muktsar Sahib.

(G.S. SANDHAWALIA)
JUDGE

August 10, 2021
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No