

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.4365 of 2020 (O&M)

Date of Decision: August 09, 2021

Sonia @ Sona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.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.75 dated 12.04.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, City Dhuri, District Sangrur. The petitioner is in custody since her arrest on 12.04.2019.

As per the FIR, on 12.04.2019, twelve bottles of Wincerex containing 100 ML each were recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner contends that the recovery effected from the petitioner is marginally above the non-commercial quantity and already a period of two years has gone by and only one prosecution witness has been examined so far. Learned counsel has submitted that as the trial is likely to take some time to conclude, therefore, the further custody of the petitioner may not be necessary. She prays for bail.

On the other hand, learned State counsel, assisted by ASI Jarnail Singh, has opposed the prayer and produced the custody certificate of the petitioner by way of affidavit of Prabhjot Singh, Officiating Deputy Superintendent, New District Jail, Nabha and highlighted that when the petitioner was on interim bail in the present case, she committed another crime bearing FIR No.120 dated 06.07.2019, under Sections 21 and 29 N.D.P.S.Act, 1985, Police Station, City Dhuri, District Sangrur.

At this stage, learned counsel for the petitioner has pointed out that in the said case, no recovery was effected from the petitioner, who was indicted as an accused on the basis of a disclosure suffered by the co-accused. In the said case, the petitioner is already released on interim bail.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the pace at which the trial is progressing, there does not seem to be any possibility of its conclusion in near future, therefore, the further detention of the petitioner behind the bars may not serve any useful purpose, who is presently confined in judicial custody after her arrest on 12.04.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sangrur.

August 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No