

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

**CRM-M No.9738 of 2021
Date of Decision:01.07.2021**

SITA DEVI @ SUNITA
Vs
STATE OF PUNJAB

.....**Petitioner**

.....**Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Harvinder Singh Mann, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.174 dated 31.12.2020, registered under Sections 21 and 29 of NDPS Act 1985, at Police Station City Special Task Force District STF Wing, SAS Nagar Mohali.

In compliance of order dated 05.03.2021, State has filed status report by way of affidavit of Ajay Kumar, PPS, DSP, STF Unit, Ludhiana on behalf of respondent-State of Punjab.

Perusal of prosecution story would show that the petitioner was apprehended along with co-accused Paramjit alias Prince on the basis of secret information when they were

stopped at the naqa by the Police. 405 Grams of heroin along with an amount of Rs.60,000/- as drug money was recovered from the scooty.

Learned counsel for the petitioner submits that petitioner is not the owner of the scooty and has no connectivity with the co-accused in any manner. She is a lady. Nothing has been recovered from her person. She is mother of a minor daughter aged about 4 years, who is also in custody along with the petitioner.

Per contra, learned State counsel on instructions from SI Makhan Ram submits that mother of the petitioner is the owner of the scooty. Connectivity between the petitioner and co-accused has not come forth on record.

Perusal of status report would show that the contraband and drug money were recovered on 31.12.2020. The contraband was deposited in the malkhana and the same was produced before the Magistrate along with the accused on 01.01.2021. Sample parcel was deposited in the Regional Testing FSL Punjab, Ludhiana on 05.01.2021.

In view of, **Union of India Vs. Bal Mukund and others, 2009(2) R.C.R. (Criminal) 574 and CRA-S No.1449-SB of 2008 titled 'Satpal vs. State of Haryana'** decided on 06.08.2012, the

samples were required to be sent to FSL within 72 hours. The aforesaid view is based on instructions issued vide notification No.1/88 by the Narcotic Control Bureau. In the present case the samples were sent after a period of 4 days of its withdrawal.

In view of aforesaid factual position the complicity of the petitioner would remain debatable. It would be in the interest of justice to direct the release of the petitioner from jail as her minor daughter of 4 years is also with her.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

01.07.2021*Amandeep*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No