

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8801-2020 (O&M)
Date of Decision:-22.9.2021

Paramjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sukhwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.0143 dated 11.10.2018 at Police Station Jaito, District Faridkot under Section 22 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR was lodged at the instance of ASI Kulbir Chand, wherein it is alleged that on 11.10.2018, when he alongwith other police officials was conducting checking of vehicles near Village Madak, then a vehicle i.e. white coloured Mahindra Pick-UP bearing registration No.PB-04-AA-7139 was signaled to stop. However, the driver after stopping the vehicle, ran away

from the spot. The other occupant of the said vehicle was a lady, who was sitting on the front passenger seat, upon inquiry disclosed her name as Paramjit Kaur and of the person, who ran away as her son Manpreet Singh @ Mani. Upon search of the vehicle a polythene bag containing 1400 tablets of 'Alprazolam' was found lying in between the front two seats.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, she cannot be attributed any conscious possession of the contraband recovered from the vehicle, which was being driven by her son as she had no clue about the same. It has been submitted that at best it is her son, who on account of his guilty mind, had run away from the spot, who would be aware about the contents of the polythene bag, which was kept in between the two front seats and the petitioner had no knowledge about the same.
4. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of commercial quantity of contraband from the vehicle in which the petitioner was travelling, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 11 months and that she is not involved in any other case. It has been informed that as on date only 7 out of the cited 18 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that it is a case of recovery of commercial quantity of contraband but in the instant case there are certain facts and circumstances,

on the basis of which the petitioner can be granted concession of regular bail.

The same are enumerated below:

- (i) The petitioner is a lady and Section 439 Cr.P.C. itself recognizes some concession in favour of a lady.
- (ii) The question as regards the conscious possession of the petitioner of the contraband recovered from the vehicle would be debatable as the recovery is not from personal search but from a bag lying in between the front two seats.
- (iii) The petitioner has been behind bars for a substantial period of 2 years and 11 months and conclusion of trial is likely to consume time as only 7 out of the cited 18 PWs have been examined so far.
- (iv) The petitioner has a clean record and is not involved in any other case.

7. In view of the above noted factual position and the discussion made above, the petition is hereby accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No