

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.12676 of 2020
Date of Decision: March 01, 2021

Amarjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, 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.2 dated 01.01.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Canal Colony, Bathinda, District Bathinda. The petitioner is in custody since her arrest on 01.01.2020.

As per the FIR, on 01.01.2020, when the police party was present in Street No.1/2 Bangi Nagar, Bathinda near main road in connection with patrolling, a middle-aged woman was seen coming on foot on main road holding a polythene bag in her right hand and on seeing the police party, she started turning back. She was apprehended on suspicion. On enquiry, she disclosed her name as Amarjit Kaur. Upon search of the polythene bag, 1900 tablets of Clovidol-100 SR and 720 tablets of

Alprazolam were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner is in custody for a long period. The challan in this case was filed on 23.04.2020 and only one witness out of total fourteen witnesses has been examined. According to him, the petitioner is not involved in any other case of similar nature, therefore, considering her custodial period, she be released on bail as the trial is likely to take some time to conclude.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Bhupinder Singh, on the ground that the recovered contraband would fall within the ambit of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Rahul Raja, PPS, Deputy Superintendent, Central Jail, Bathinda to contend that she is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the prosecution has examined only one witness and the petitioner is not involved in any other case, much less of similar nature, therefore, considering the above background and the custodial period of the petitioner, who is a lady, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 01.01.2020. Further, the prosecution is yet to examine its remaining thirteen witnesses and it may take considerable time to conclude the trial. All the witnesses are police officials and there does not seem to be any possibility of their being won over.

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 her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

**March 01, 2021
ramesh**

**(MANOJ BAJAJ)
JUDGE**

**Whether speaking/reasoned
Whether Reportable:**

**Yes/No
Yes/No**