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

**CRM-M-18470-2021 (O&M)
Date of Decision: 05.05.2021**

**Rajdeep Kaur
Vs.
State of Punjab**

.. Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Sodhi, Advocate for the petitioner.
Mr. Saurav Khurana, 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.197 dated 07.08.2020 registered under Section 22 NDPS Act, 1985 (Section 22(c) NDPS Act was added later on) at Police Station Adampur, District Jalandhar (Rural), (Annexure P-1). The petitioner is in custody since her arrest on 07.08.2020.

The FIR was registered on the basis of secret information and the allegations noticed by the Id. Judge, Special Court, Jalandhar in the order dated 25.03.2021, while declining the bail application of petitioner, read as under:

“From the perusal of the police file, this Court finds that on 07.08.2020, ASI Surinder Pal along with other police officials for the purpose of patrolling etc. were present at Khurdpur, where they received a secret information that Jasdeep Singh @ Jassi son of Gurmeet Singh along iwth his wife Rajdeep Kaur is running a Karyana Store at Khurdpur and they are indulging in sale and purchase of narcotics in the said store and if raid is conducted, large quantity of intoxicant capsules can be recovered. As infromation was from reliable source, Ruqa was sent to the Police Station and formal FIR was got registered against the accused and ASI requested for sending some other investigating officer at the spot. Thereafter, Inspector Gurinderjit Singh along with other police officials went

to the shop and Harinder Singh DSP Sub Division Adampur was also called at the spot. In the presence of Harinder Singh DSP search of the shop of the accused was conducted. From the search of counter of Karyana Store, 934 loose capsules were recovered and thereafter, another shop of the accused was searched and from the another shop of the accused, 100 boxes containing 21168 capsules make Simplex C+ Tramadol Hydrochloride were recovered. FSL report has been received in the present case alongwith challan which clearly shows that recovery of 22102 intoxicant capsules falls within commercial quantity.”

Learned counsel contends that the alleged recovery of contraband was made pursuant to the secret information received by the police, from the shop run by the husband of the petitioner, namely, Jasdeep Singh @ Jassi. He further submits that the petitioner being wife of the said co-accused has been falsely implicated. Learned counsel has pointed out that after arrest of the petitioner and her co-accused, police pressed for police remand of her husband, whereas the petitioner was sent to judicial custody. According to him, the co-accused died during his police custody, and the investigation of the case is complete, but the charges have not been framed so far. He prays that the petitioner be released on bail, as she suffered the infection of COVID-19 as well during her custody.

The prayer is opposed by learned State counsel assisted by ASI Surinder Pal, on the ground that the petitioner actually participated in the crime and was present when the recovery of contraband was made from the shop and both the husband and wife were arrested. He submits that no doubt, the petitioner suffered the infection of COVID-19 during her custody, but the infection is mild and she has recovered after completion of her isolation period. In this regard, he has filed the report of Medical Officer of Sub-Jail, Malerkotla (Annexure R-1) appended with the reply by

produced the custody certificate of the petitioner, which indicates that except for the present case, she is not involved in any other case, much less of similar nature. He does not dispute this fact that the charges are yet to be framed.

At this stage, Mr. Sodhi has submitted that the recovery of only 934 capsules was made from the shop, where the petitioner and her husband were present, but after their arrest, the rest of the contraband was recovered on the disclosure statement of her husband Jasdeep Singh @ Jassi, from some other place.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that though the challan has been filed on 15.12.2020, but the charges are yet to be framed, therefore, the trial is likely to consume considerable time to conclude. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

05.05.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No