

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

Criminal Misc.-M No.20124 of 2021

Date of Decision: November 26, 2021

Balwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Jasdeep Singh, 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.87 dated 04.09.2020, under Sections 22(c) and 25 N.D.P.S.Act, 1985, registered at Police Station, S.G.N. Dev Thermal Plant, District Bathinda, who is in custody since her arrest on 04.09.2020.

As per FIR, on 04.09.2020, a police party was going from Village Gill Patti towards Village Sivia in connection with patrolling duty and when they reached near the water-works of Village Sivia, a motorcycle bearing registration No.PB-44A-8840 was seen coming from the side of Village Sivia and on seeing the police party, the driver of the motorcycle fled away after leaving the motorcycle at the spot, however, the lady who was pillion rider was apprehended at the spot, who on inquiry disclosed her name as Balwinder Kaur. She also disclosed the name of person, who fled away from the spot as her husband Jaspal Singh @ Pali. On checking of polythene held by Balwinder Kaur, 145 strips of Clovidol-100 SR containing 10 tables each, i.e., 1450 tablets were recovered.

Learned counsel for the petitioner has argued that no prosecution witness has been examined so far out of total fifteen witnesses, though the charges were framed on 28.08.2021. 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 consume considerable time conclude.

On the other hand, learned State counsel, assisted by ASI Farvinder Singh, does not dispute the fact that no prosecution witness has been examined so far and the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. Admittedly, the petitioner is not involved in any other case and the material witnesses are police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

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/CJM/Duty Magistrate, Bathinda.

November 26, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No