

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 19139 of 2021**

**Date of Decision: 16.8.2021**

Bijaya Bhadra

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Tarun Singhal, Advocate for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

This is the third petition under Section 439 Cr.P.C. for regular bail in FIR No. 146 dated 17.10.2019 under Section 21 of the NDPS Act, 1985 registered at Police Station Maqsudan, District Jalandhar.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Kartarpur, Jalandhar dated 13.8.2021 has been filed through e-mail. Copy of the same is taken on record.

Custody certificate by way of affidavit of Additional Superintendent, Central Jail, Kapurthala dated 14.8.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the petitioner has been in custody for approximately 01 year and 10 months and there is no other case against her; that out of 09 prosecution witnesses, only one has been examined; that the prosecution witness, namely, Deepak Kumar deposed that he himself deposited the contraband sample in the FSL

Mohali, but there was no receipt of deposit of sample in the Forensic Science Laboratory, Mohali. He further submits that the petitioner is to look after her minor daughter as the petitioner has already separated from her husband.

On the other hand, learned State counsel submits that the earlier bail petition of the petitioner was dismissed on 03.11.2020 and moreover, the petitioner belongs to the other State. However, he has not disputed the fact that out of 09 prosecution witnesses, only one has been examined till date.

I have heard the learned counsel for the parties.

As per the custody certificate, the petitioner has been in custody for approximately 01 year and 10 months and no other case is pending against her and she has a minor daughter to look after. Moreover, out of 09 prosecution witnesses, only one witness has been examined so far. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and heavy surety amounting to Rs.1 lakh to the satisfaction of the learned trial Court/Duty Magistrate.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**August 16, 2021**  
**Gurpreet**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**