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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-20246-2021 in/and
CRM-M-21692-2021
Date of Decision: 27.07.2021

CHUAUTHATGULI @ CHUAUTHANGPUII

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, AAG, Punjab
assisted with S. I. Sukhwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

CRM-20246-2021

In view of the reasons mentioned in the application, the same is allowed and the accompanying documents are taken on record as (Annexure P-3 and Annexure P-4).

Application stands disposed of.

CRM-M-21692-2021

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against her vide FIR No.1, dated 4.1.2019, under Sections 21/29 of NDPS Act & Section 14 of the Foreigner Act at Police Station Maqsudan, District Jalandhar Rural.

2. It is the case of prosecution that on 4.1.2019 when a police party was conducting checking of vehicles on the GT road then a swift car

bearing registration No.PB-01-N-0240 was stopped. There were four occupants in the said car who upon inquiry disclosed their names as Amir Ali, Maphiue, Chauthatgpuii and Ohasugo. The car in question was being driven by Amir Ali and by whose side Maphiue was sitting. Upon search of the vehicle and the occupants, the two persons sitting on the rear seat namely Chauthatgpuii (petitioner) and Ohasugo were found in possession of 1 kg. 'Heroin' each.

3. Learned counsel for the petitioner submits that she has falsely been implicated in the instant case and that in any case since two of the co-accused, who were also travelling in the same car, have already been extended the concession of bail vide order dated 28.02.2020 (Annexure P-3) and order dated 03.03.2020 (Annexure P-4), the petitioner, who is a lady, deserves the same concession on ground of parity particularly since her minor child is also confined in jail alongwith her.

4. Opposing the petition, learned State counsel submitted that since out of 2 kgs of heroin recovered in the instant case, 1 kg was recovered from the petitioner who was sitting on the rear seat, 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 more than 2 ½ years and that she is not involved in any other case. It has further been informed that as on date only 2 out of the cited 14 PWs have been examined.

5. I have considered rival submissions addressed before this Court.

6. As far as allegations are concerned, the allegation was specific to the effect that the petitioner was found in possession of 1 kg heroin,

apart from the fact that another 1 kg was recovered from her co-accused, who was also travelling in the same car. It is not in dispute that two other co-accused have already been released on bail by this Court. The petitioner is a lady aged about 30 years and has a minor child aged about 2 years, who is also staying with her in jail. The trial in its normal course is likely to consume some time as till date only 2 out of the cited 14 PWs have been examined. Having regard to the aforesaid position, further detention of the petitioner will not serve any useful purpose particularly when the petitioner is not even stated to be involved in any other case. The petition, as such, is 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.

27.07.2021*Ali***(GURVINDER SINGH GILL)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No