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

**CRM-M-22207-2021
Date of Decision: 13.08.2021**

Binder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C. in case FIR No.25 dated 08.03.2020, under Sections 22/61/85 of the N.D.P.S. Act, registered at Police Station Passiana, District Patiala.

[2]. The petitioner, who is a woman, has remained in detention for more than 8 months following her arrest/custody w.e.f. 07.12.2020.

[3]. Admittedly, no recovery of any contraband was directly effected from her. The allegation against her is that she was engaged in the business of selling drugs/narcotics from her house. The alleged recovery of contraband was effected from outside her house and she was not apprehended along with such contraband. There is no independent witness to the recovery stated to have been effected.

[4]. From the Custody Certificate of the petitioner, it transpires that another case under Sections 22/29/61/85 of the N.D.P.S. Act is pending

against her. But the same happens to be subsequent to the present FIR which was registered on 08.03.2020, whereas the next FIR (No.222) was registered in Police Station Sadar, Dhuri more than 3 months later on 18.06.2020.

[5]. After completion of investigation, Challan against the petitioner has already been submitted, but trial could not commence due to the outbreak of Covid-19 Pandemic. Moreso, the charges are yet to be framed.

[6]. In these circumstances, considering that no recovery was directly effected from the petitioner in the present case, as such the prayer of the petitioner for regular bail is allowed and she is ordered to be released on regular bail at this stage, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[7]. Disposed off.

13.08.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No