

CRM-M-27119-2021

Date of decision: 03.09.2021

JASWINDER KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated through e-mail today and the same is taken on record.

This is the third petition under Section 439 Cr.P.C for grant of regular bail in the case bearing FIR No. 61 dated 08.06.2020, under Section 22 of NDPS Act, 1985, registered at Police Station Nandgarh, District Bathinda.

Precisely, as per the allegations of the prosecution, 2100 tablets of Tramadol Hydrochloride have been recovered from the conscious possession of the petitioner.

It has been argued by the learned counsel for the petitioner that she is a lady, who is in custody since 08.06.2020, her co-accused namely, Tarsem Singh has been granted pre-arrest bail and the trial of the case is not progressing.

On the contrary, it has been argued by the learned State counsel that the quantity of Tramadol Hydrochloride recovered from the conscious possession of the petitioner is to the extent of 862.6 grams which falls in the category of

not apprehended at the spot. Moreover, the earlier application for bail has been dismissed vide a speaking order dated 22.02.2021 passed in **CRM-M-7184-2021**. The investigation of the case is complete, challan has been presented in the Court, the charge has been framed on 22.02.2021 and out of 11 witnesses, 3 have been given up and 1 witness has been examined.

In the instant case, the quantity of contraband recovered from the conscious possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail. The case of the petitioner cannot be termed to be at par with Tarsem Singh, co-accused as he was not apprehended at the spot and nothing has been recovered from him. Merely, because the trial of the case is progressing at a slow pace cannot be termed to be a factor to extend concession of bail to the petitioner particularly because of restricted hearing of the Courts due to Covid-19 Pandemic. Moreover, no significant change of circumstances is made out which may justify extended concession of bail to the petitioner.

For the aforesaid reasons, the present petition is dismissed.

03.09.2021
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(VIVEK PURI)
JUDGE

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