

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23708-2020 (O&M)
Date of Decision:-3.9.2021

Gian Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Barjinder Singh, Advocate for
Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.153 dated 29.7.2019 at Police Station Kotwali, District Kapurthala under Section 22 of Narcotic Drugs & Psychotropic Substances Act of Indian Penal Code, wherein it is alleged that she was found in possession of 255 grams of intoxicating powder containing 'Tramadol'.
2. It is the case of prosecution that on 29.7.2019, when the police party was patrolling and was proceeding towards Village Bootan, Pahadipur,

Subhanpur etc., a lady was noticed, who was going on foot from Village Boot towards Subhanpur Road and who upon noticing the police party got perplexed and threw a transparent plastic bag into the bushes and tried to turn back. The said lady was apprehended on the basis of suspicion and who disclosed her name as Gian Kaur and upon inquiry she disclosed that the polythene bag thrown by her contained intoxicant substance. The said polythene bag upon weighment was found to weigh 255 grams. Later upon chemical analysis, the recovered powder was found to contain '*Tramadol*'.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, she has been behind bars since the last more than 2 years and 2 months and being a lady aged more than 60 years, she deserves the concession of bail especially when the trial is not making any headway.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been convicted in 4 other cases and that, in these circumstances, she does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. Although it is correct that the antecedents of the petitioner would normally not justify granting bail to the petitioner but there are some other circumstances the collective effect of which would entitle the petitioner to the concession of bail and the same are enumerated as under:
 - (i) the petitioner is lady;
 - (ii) the petitioner is aged more than 60 years;
 - (iii) the recovery is marginally above the quantity prescribed as 'commercial' quantity;

- (iv) the petitioner has been behind bars since the last more than 2 years and 2 months; and
- (v) the conclusion of trial is likely to consume time as till date only 2 out of cited 14 PWs have been examined.

7. Having regard to the aforestated factual position, this Court is of the opinion that further detention of the petitioner, who is a lady, will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No