

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

**CRM-M-29927-2021
Date of Decision : 04.08.2021**

Balwinder Kaur Petitioner
Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. J.P.Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN(Oral)

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.60 dated 01.04.2019, registered under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner is an illiterate old lady aged about 67 years and she is not involved in any other case under the Narcotic Drugs & Psychotropic Substances Act. Learned counsel for the petitioner further submits that the recovery effected from the petitioner is 107 grams of intoxicant powder which is marginally higher than the non-commercial quantity. It is further submitted that as per the allegations in the FIR, the police party while on patrol duty, noticed a lady coming on foot, who became perplexed on seeing the police party and

by throwing a polythene bag on the left side of the road, started walking towards the village. On suspicion, she was apprehended and from the polythene bag, which she threw on the left side of the road, recovery of 107 grams of intoxicant powder was effected.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about more than 07 months. Out of 09, no PW has been examined.

Learned State counsel could not dispute the factual position.

After hearing the learned counsel for the parties, without commenting upon the merits of the case and considering the facts that the petitioner is an old lady aged about 67 years; she is not involved in any other case under the Narcotic Drugs & Psychotropic Substances Act; recovery effected from the petitioner is marginally higher than the non-commercial quantity and no PW has been examined so far as the trial has been delayed due to Covid-19 situation, the present petition is allowed and the petitioner is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

(ARVIND SINGH SANGWAN)
JUDGE

04.08.2021

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No