

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

CRM-27874-2021 in/and
CRM-M-34134-2021 (O&M)
Date of Decision:- 8.10.2021

Teresa Muthoni Waweru Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-27874-2021

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 21.12.2021 and is taken on Board today itself.

CRM-M-34134-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No. 51, dated 21.4.2021, Police Station Special Task Force, STF Wing, Mohali, under Sections 21(B), 22, 29 of NDPS Act.

2. As per the case of prosecution, on 21.4.2021, a police party headed by SI Gopi Chand, was proceeding from Jalandhar to Rama Mandi for the purpose of patrolling. The police party came across a white coloured Swift Dezire car having a yellow coloured number plate bearing registration No.DL-1-ZB-5673. On the basis of suspicion, the said vehicle was signalled to stop. The driver of the said vehicle disclosed his name as Gurmeet Singh while the sole passenger sitting on the rear seat who was a lady, disclosed her name as Teresa Muthoni Waweru daughter of Stephen Waweru resident of Uttam Nagar, West Delhi and further disclosed her native address to be Nairobi, Kenya. Since, SI Gopi Chand suspected that the said persons might be carrying contraband, he called for ASI Balwinder Singh telephonically who reached at the spot. The aforesaid ASI extended offer in terms of Section 50 of NDPS Act to the aforesaid two persons and both of them stated that they wished to be searched in presence of a Gazetted Officer. Accordingly DSP Balwant Singh was called at the spot and the search of the said persons were conducted in his presence. While nothing incriminating was recovered from driver namely Gurmeet Singh, the petitioner upon being searched by lady Constable Simranjit Kaur was found to be wearing a vest and from which a black coloured bag containing 'Heroin' was recovered which upon weighment was found to be 200 grams. Apart from the said contraband, cash amount of Rs.3,96,200/- was also recovered.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the instant case and that in any case since the recovered contraband falls in the category of non-commercial quantity and she has a clean record, she deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red-handed and 200 grams of 'Heroin' was recovered from her personal search which was concealed in her vest apart from drug money to the tune of Rs.3,96,200/-, 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 5 months and that she is not involved in any other case. It has been informed that while the challan has been presented, but charges have not been framed and as many as 19 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while bearing in mind that the petitioner is a lady and has been behind bars for a substantial period of more than 5 months and that the recovered contraband falls in the category of non-commercial quantity, a lenient view can be taken particularly when the petitioner is not even stated to be involved in any other case and conclusion of trial is likely to consume time as no PW out of the cited 19 PWs has been examined till date. 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.

7. Learned State counsel has informed that the Passport of the petitioner had been sent to the Investigating Officer on 1.10.2021, by post.
8. Learned counsel for the petitioner has expressed that he has no objection for seizure of the Passport during the pendency of trial. It is thus directed that the Passport of petitioner shall be deposited in the Court where trial is pending, provided it is not required by the police for any verification or for any other purpose related to the case.

8.10.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No