

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

CRM-M-30290 of 2020

DATE OF DECISION :- September 02 , 2021

Sukhwinder Kaur @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

The case has been taken up through Video Conferencing.

Petitioner Sukhwinder Kaur @ Sukhi, aged 40 years, wife of Kaka Singh, resident of Hambalwas, Jakhepal, Tehsil and District Sangrur, an accused in F.I.R. No. 104 dated 16.8.2019 registered with Police Station Longowal, District Sangrur for offences under Sections 22 and 29 of the NDPS Act, has brought this third petition for grant of regular bail.

Briefly stated the facts of the case as per prosecution story are that on 16.8.2019, 150 intoxicant Buprenorphine injections IP labeled as Bupine of 2 ml having Batch No. 3B18002 Mfg. 12/2018, Exp. 11.2020 and 1300 intoxicant tablets labeled as Alprazolam IP 0.5 Prozolam .5 having Batch No. PRZ 18008 Mfg. Oct/2018, Exp.Sep/2021 were recovered from one Manpreet Singh alias Hally by the police party headed by SI Kewal Krishan. On being interrogated, Manpreet Singh alias Hally disclosed that he had brought such injections and tablets from Bittu, resident of Hisar, who handed over 10 boxes

of intoxicant tablets to petitioner accused Sukhwinder Kaur alias Sukhi.

After being so named, petitioner accused was arrested in this case on 8.11.2019. On completion of investigation and other formalities challan against accused including the petitioner is said to have been filed in the Court on 7.2.2020. The charge is statedly to be framed on 20.2.2020. As intimated by the State counsel, out of 17 prosecution witnesses cited examination-in-chief of two such witnesses have been recorded so far and the next date of hearing fixed is 7.9.2021. The petitioner had approached the Court of Judge, Special Court, Sangrur seeking regular bail but was unsuccessful, inasmuch as her such plea was rejected vide order dated 20.2.2020. She had approached this Court on two previous occasions praying for grant of regular bail, however, such petitions filed on her behalf were withdrawn. The present petition is the third one which, is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Admittedly, no recovery has been effected from the petitioner accused, who is a woman. She is in custody for more than 1 year and 6 months. Keeping in view the stage of trial presently, the conclusion of the trial is likely to take considerable time. The guilt of the petitioner shall be determined during the trial. Although she is said to be involved in three more cases under the NDPS Act but she is on bail in such cases as stated by learned State counsel on instructions from SI Ram Singh and also reflected in the custody certificate brought on record.

Under the circumstances, her further detention is not going to serve any useful purpose and petition deserves to be accepted though with certain conditions to ensure that she does not indulge in drug trafficking again.

Accordingly, the petition is allowed. Petitioner Sukhwinder Kaur

@ Sukhi is ordered to be released on bail on her furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Sangrur subject to the following conditions :-

- (i) she shall appear in the Court on each and every date of hearing.
- (ii) she shall not give any threat or intimidation to the prosecution witnesses.
- (iii) she shall not leave India without prior permission of the Court and shall surrender her Passport, if she has got one, otherwise to furnish affidavit in that regard.
- (iv) she shall not indulge in any criminal activity.
- (v) she shall get her presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on her movements and she is deterred from indulging in any criminal activity.

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person has stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violate any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

September 02, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No