

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

CRM-M-31867-2020
Date of decision: 28.01.2021

Poonam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the fourth petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 112 dated 08.06.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Division No. 6, District Jalandhar.

The first and second petitions, bearing CRM-M-48319-2018 and CRM-M-16993-2019, were dismissed as withdrawn on 21.01.2019 and 24.05.2019, respectively. The third petition, bearing CRM-M-30184-2019, was also dismissed as withdrawn on 24.07.2019.

Learned counsel for the petitioner submits that the new ground for filing the present is that petitioner is in long custody i.e. about two years and seven months.

Learned counsel further submits that petitioner is a lady, aged

about 32 years, and she is not a previous convict. It is further submitted that petitioner has to look after her own family.

Learned counsel further submits that as per allegations in the FIR, registered on a secret information that petitioner is indulged in the sale of intoxicant substances, the FIR was registered and in the presence of a Gazetted Officer, a lady constable conducted the search of the petitioner and recovered 180 injections of *Bupronorphine*.

Learned counsel for the petitioner has placed on record some interim orders passed by the trial Court to argue that the case is not proceeding as out of total 08 prosecution witnesses, only 04 witnesses have been examined so far.

Learned counsel further submits that petitioner is in judicial custody for the last about two years and seven months and she is not involved in any other case except an FIR which is under Section 52-A of the Prisons Act.

Learned State counsel has filed the custody certificate and submitted that recovery was effected by following the proper procedure, however, it is not disputed that petitioner is in judicial custody for the last about two years and seven months and the case is still at the stage of recording the evidence of prosecution witnesses.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is not involved in any other case under the NDPS Act; she is in custody for the last about two years and seven months and also in view of the fact that trial is likely to take some time in its conclusion,

the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

28.01.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No