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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40249 of 2021 (O&M)
Decided on: 30.09.2021

Monika

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0165 dated 25.06.2021, for offence punishable under Sections 21/22/29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station Anaj Mandi, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Jitender Kumar, he stopped a motorcycle, which was driven by the co-accused Vicky and the petitioner – Monika was the pillion rider. On suspicion that they are carrying some intoxicant material, a ruqa was sent to the Police Station and thereafter, further investigation was carried out. It is also submitted that the petitioner is young lady aged about 19 years and has no criminal antecedents and in fact, the recovery of 15 gms of Heroin

and 10 intoxicant bottles was effected from the co-accused and the petitioner has been nominated in the case as she was the pillion rider of the motorcycle, being wife of the co-accused Vicky. It is also submitted that it will be matter of trial whether the petitioner was found in conscious possession of the contraband.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also submitted that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is a young lady aged 19 years; she is not involved in any other case and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.09.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No