

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34648 of 2020

Date of Decision: November 18, 2021

Asha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Riffi Bala Birla, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.130 dated 22.08.2020, under Section 22 N.D.P.S.Act, 1985, Section 188 IPC, 1860 and Section 51 (b) Disaster Management Act, 2005, registered at Police Station, Arni Wala, District Fazilka.

As per the FIR, on 22.08.2020 when the police party was on patrol duty, the accused were seen coming on a motorcycle and something was lying on fuel tank of the said motorcycle, who on seeing the police party tried to escape, but were apprehended on suspicion and the polythene lying on the oil tank of the motor cycle fell down, upon which mouth of the polythene opened and 2260 intoxicant tablets were scattered on the road.

Vide order dated 03.11.2020, the concession of interim regular bail was extended to the petitioner.

Learned counsel for the petitioner has argued that the alleged

contraband was recovered from her husband Surjit Singh (co-accused), whereas the petitioner was a pillion rider. According to her, as per prosecution the intoxicant tablets were contained in a polythene, which was lying on the fuel tank of the motorcycle and when petitioner's husband tried to change his course, the said polythene fell and the tablets were scattered on the road. She prays for bail as the petitioner is not involved in any other case of similar nature.

On the other hand, learned State counsel, assisted by ASI Subash Chander, does not dispute this factual aspect and has produced the custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot, which indicates that she is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, but without expressing any opinion on the merits of the case, the petition is allowed and the interim order dated 03.11.2020, whereby the petitioner has been extended the concession of interim regular bail, is made absolute and it is ordered that the petitioner shall remain on bail on the same bail bonds and surety bonds.

November 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No