

CRM-M-41811-2021

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

CRM-M-41811-2021

Date of decision: 23.11.2021

Pooja @ Roopa @ Ruby

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.S.Bajwa, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this fifth petition, the petitioner seeks regular bail in case bearing FIR No.57 dated 17.04.2018, registered at Police Station Goindwal Sahib, District Tarn Taran, under Section 21 NDPS Act, 1985.

Learned counsel for the petitioner contends that recovery of 255-gram heroin, allegedly effected from the petitioner, is marginally higher than the commercial quantity; that the petitioner has been in custody since 17.04.2018, and that there was nobody to take care of the child, aged about three-year, was brought along with the petitioner to jail.

Learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery effected from the petitioner falls under the commercial quantity; that out of 08 prosecution witnesses, 02 witnesses have been examined and that out of

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two other cases registered against the petitioner, she has undergone the sentence imposed in one case and stands released on bail in another case.

I have heard the learned counsel for the parties.

The recovery allegedly effected from the petitioner is marginally higher than the commercial quantity. The petitioner has been in custody since 17.04.2018 and she is to take care of her three-year-old child, who was brought alongwith her to jail. Out of 08 prosecution witnesses, two witnesses have been examined so far. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.11.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No