

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

**CRM-M-38343-2020
Date of decision: 28.01.2021**

Toshi**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the third 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. 266 dated 04.11.2018, registered under Sections 22/27-A/29/61/85 of the NDPS Act at Police Station Moti Nagar, District Police Commissionerate Ludhiana.

The first petition, bearing CRM-M-177-2019, was disposed of on 14.01.2019 granting interim bail to the petitioner awaiting the FSL report and the second petition, bearing CRM-M-52225-2019, was dismissed as withdrawn on 13.12.2019.

Learned counsel for the petitioner submits that the new ground for filing the present is that petitioner is in long custody i.e. about one year and four months and till date, no prosecution witness has been examined.

Learned counsel further submits that petitioner is a lady, aged about 33 years, and she is not involved in any other case.

Learned State counsel submits that co-accused of the petitioner,

namely Meenu, has been granted concession of regular bail by this Court, vide order dated 13.12.2019 passed in CRM-M-52225-2019, which was jointly filed with petitioner, however, the same was dismissed as withdrawn qua petitioner. Learned State counsel does not dispute the fact that no prosecution witness has been examined so far. It is also not disputed that petitioner is not involved in any other case.

Learned State counsel, however, submits that police has recovered 260 grams of intoxicant powder, which was found lying in the house of the petitioner.

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; she is in custody for the last about one year and four months and also in view of the fact that trial is not proceeding as till date, no prosecution witness is examined so far, 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