

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

222

CRM-M-40865-2020 (O&M)

Date of Decision: 23.08.2021

Gurmeet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by SI Balbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.101 dated 05.10.2019 at Police Station Kalanaur, District Gurdaspur, under Sections 21/22/29 of NDPS Act.
2. As per the case of the prosecution on 05.10.2019, when the police party headed by ASI Nishan Singh was present near drain bridge Barila Khurd, where barricading had been held, for the purpose of patrolling and search of bad elements, then a red coloured motorcycle bearing Registration No.PB-06N-1401 was noticed, which was being driven by a man having shorn hair, while a lady was sitting on a pillion seat. In order to check the said persons, the motorcyclist was signaled to stop by the police. The person driving the motorcycle removed a bag which was hung from the

handle of the motorcycle and handed over the same to the lady sitting on the pillion seat and the said lady attempted to throw the bag in the bushes. However, the said lady was restrained from doing so by the police. Upon enquiry, the man disclosed his name as Baldev Raj while the pillion rider disclosed her name as Gurmeet wife of Sukhraj. The search of the bag led to recovery of 1030 tablets of 'Tramadol'.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that she had no knowledge whatsoever about the contents of the bag and that she cannot be attributed conscious possession of the same and that it is only her brother-in-law, who was driving the motorcycle, whom would be knowing about the said contents. Learned counsel further submits that it was when her brother-in-law handed over the said bag to the petitioner and asked her to throw the same that she tried to throw it away without questioning him.
4. Opposing the petition, learned State counsel has submitted that the conduct of the petitioner clearly shows that she was fully aware about the contents of the bag as she was trying to dispose of the same upon noticing the police. Learned State counsel has further submitted that the antecedents of the petitioner, who happens to be involved in 3 other cases, would show that she is habitual of committing such offences and cannot be said to be so naïve so as not to be knowing about the contents of the polythene bag, which she was trying to dispose of.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the bag containing contraband was hung on the handle of the motorcycle and the driver of the motorcycle i.e. co-accused Baldev Raj upon being signaled to stop by the police, immediately removed the bag from the handle and handed over the same to the pillion rider i.e. the petitioner, who tried to throw it away. At this stage, it would rather be difficult to impute knowledge to the petitioner as regards the contents of the contraband. It may just be a case that upon being asked by her brother-in-law to throw the polythene bag, which he had handed over to the petitioner upon noticing the police, she had simply tried to throw it away without trying to inquire as to what the contents were. The petitioner, in any case, has been behind bars since the last about more than 1 year and challan already stands presented. In these circumstances, without commenting any further on the merits of the case and while bearing in mind that the petitioner is a lady, the petition is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.08.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**