

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42277 of 2020 (O&M)

Date of decision : 22.4.2021

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Leelo @ Leelo Kaur @ Neelo Kaur

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This third petition for grant of regular bail, has been filed by petitioner – Leelo @ Leelo Kaur @ Neelo Kaur, aged about 55 years, wife of Juma Singh r/o Ward No. 21, Ram Nagar Basti, Sangrur, Tehsil and District Sangrur, an accused in FIR No.334 dated 28.8.2019 for the offences under Sections 21, 22, 25 and 29 of NDPS Act and Section 25 of Arms Act, 1959, registered with Police Station City Barnala, District Barnala.

Briefly stated, the facts of the case as per the prosecution

story are that on 28.8.2019 at about 12.35 p.m., Inspector, Baljit Singh, heading a Police Party, while being present at Bhatinda to Barnala main road, within the jurisdiction of Police Station City, Barnala, received a secret information that a gang was indulging in sale of intoxicant material in different cities of Punjab and on that day they were moving in car No. PB-59-B-1253, for that purpose. Finding the information to be reliable, *ruqa* was sent to the Police Station on the basis of which formal FIR was recorded. A picket was laid. The car in question was intercepted at check post, which resulted in recovery of 5000 strips of Clovidol 100 SR, each strip containing 10 tablets i.e. 50000 intoxicant tablets, in each bag. Baljit Singh, Gurpreet Singh and Gobind Singh were arrested. From the personal search of accused Gobind Singh, one 32 bore pistol alongwith two live cartridges were also recovered, which were taken into police possession.

During the course of investigation, name of Leelo @ Leelo Kaur @ Neelo Kaur – the present petitioner surfaced, being involved in the racket. She was arrested on 24.11.2019 and a sum of Rs.20,000/- was recovered from her.

On completion of investigation, challan is stated to have been filed against the accused though charge is yet to be framed. Petitioner had moved applications for regular bail before Additional Sessions Judge, Barnala, but was unsuccessful there.

She had approached this court earlier on two occasions seeking regular bail, but had withdrawn the same.

This is third petition filed on her behalf, for grant of regular bail, notice of which had been given to the State. The request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that no recovery has been effected from the petitioner and she has not been named in the FIR, though her name had surfaced during investigation and there is nothing on record to show that she is part of any drug racket and the amount of Rs.20,000/- said to have been recovered from her is not part of any drug money. He has further contended that co-accused of the petitioner, namely, Bunty Singh, Dharma Singh and Balvir Singh @ Vicky have already been granted bail by this Court by Co-ordinate Benches of this Court. Copy of such order have been placed on record. He has further contended that the trial is at initial stage and its conclusion is likely to take some time, as such the petition be accepted.

Though learned State counsel has opposed the request, but he has stated that as per the custody certificate placed on record, she does not have any past criminal record.

After hearing the rival contentions and considering the totality of the circumstances and the facts that three of the co-accused of the petitioner have been granted the concession of regular bail by the Co-ordinate Benches of this Court and that the trial is at the initial stage and conclusion of the same is likely to take some time and

further it is only during the trial it can be established that amount recovered from the petitioner has got any nexus with the drug racket or not, I find it proper and appropriate to grant concession of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Barnala, subject to the following conditions:-

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not indulge in any criminal activity;
- (iii) she shall not give any threat or intimidation to the prosecution witnesses; and
- (iv) she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

22.4.2021.
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No