

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

(Sr. No.212)

CRM-M No. 54267 of 2019

Date of decision : 16.02.2021

Sharda Begum

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. H. S. Sitta, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 43 dated 31.05.2019 under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Fattudhinga, district Kapurthala.

Briefly stated the case of the prosecution is that on 31.05.2019, the petitioner in the company of her son Abhishek Mohammad was apprehended with 698 grams of heroin without any permit or licence.

Learned counsel for the petitioner submits that the petitioner who is 37 years old lady has been falsely implicated in the present case; she is in custody since 31.05.2019; there is no other criminal case in which she is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and

that the trial which is yet to commence in which 16 prosecution witnesses are cited is likely to take a long time to conclude and at this stage no useful purpose would be served in further incarceration of the petitioner.

Learned State counsel opposes the grant of bail to her on the ground that the petitioner along with her son was found in illegal possession of 698 grams of heroin and if she is released on bail, she may indulge in similar offences.

The petitioner who is 37 years old lady is in custody since 31.05.2019; she is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation and the trial which is yet to commence, in which 16 prosecution witnesses are cited and none of them has yet been examined, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16.02.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No