

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

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CRM-M-1322-2022 (O&M)

Date of Decision: 18.07.2022

SUKHWINDER KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DN Ganeriwala, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.18 dated 14.04.2021, registered under Sections 22 of the NDPS Act, at Police Station Thulliwal, District Barnala.

Status report by way of an affidavit dated 25.04.2022 of the Deputy Superintendent of Police, Sub-Division Mehal Kalan, Barnala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner is having three minor children i.e. two sons aged about 6 and 4 years and a daughter aged about 2 and a half year; that the alleged recovery of contraband was effected from the co-accused, who was arrested at the spot; that the petitioner has been indicted in the present case on the basis of the second disclosure statement of the co-accused and that the petitioner has been in custody since 18.04.2021. He further submits that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected in the present case, falls under the commercial quantity. He further submits that there are total 19 prosecution witnesses and none has been examined, so far.

I have heard the learned counsel for the parties.

This Court is conscious of the fact that the recovery effected in the present case is a commercial quantity, but the fact remains that the petitioner has been in custody since 18.04.2021 and having three minor children to look after. There is no other case registered and/or pending against the petitioner. Furthermore, the petitioner has been indicted on the basis of the second disclosure statement of the co-accused, from whom the recovery was effected. All the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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