

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2644-2021 (O&M)
Date of Decision:-10.11.2022

Sunita @ Munni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naamparkash S. Sandhu, Advocate for
Ms. Bhupinder Kaur, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Harprasad.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.7, dated 5.1.2020, Police Station City Kapurthala, District Kapurthala, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, are that the petitioner was found in possession of 130 grams of '*Alprazolam*', which would fall in the category of commercial quantity.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that since the recovery was effected from a polythene bag recovered from the ground, the conscious possession of the petitioner would be debatable.

4. Opposing the petition, learned State counsel has informed that the petitioner had earlier been involved in 3 other cases though she stands acquitted in the same. It has been submitted that since the petitioner is specifically named in the FIR and the polythene bag recovered from the ground had been thrown by the petitioner herself in the presence of police officials, she cannot feign ignorance about conscious possession of the same. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 9 months and that as on date only 1 PW out of the cited 10 PWs has been examined.
5. This Court has considered the rival submissions.
6. Without commenting anything as regards merits of the case, but having regard to the fact that the petitioner is a lady, who has been behind bars for a substantial period of more than 2 years and 9 months, it is apposite to refer to a few judgments of Hon'ble Supreme Court in this regard wherein Hon'ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months

Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years

7. Keeping in view the totality of the facts and circumstances of the case, particularly the long custody of the petitioner and also that conclusion of trial is likely to consume time inasmuch as only 1 PW out of the cited 10 PWs has been examined so far, the petition merits acceptance and is hereby accepted.
8. The petition, as such, is allowed 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.
9. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

10.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No