

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-3168-2020 (O&M)****Date of decision-23.02.2022****Sukhwinder Kaur @ Lally
Vs.****....Petitioner****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ****Present:** Mr. Monty Goyal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.29 dated 27.04.2019 under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF, Phase-4, District Mohali, who is in custody since her arrest on 27.04.2019

The contents of the FIR as noticed by the Judge, Special Court, Mohali in his order dated 22.07.2019 are as under:-

“Allegations of the prosecution are that on 27.04.2019, ASI Rampal alongwith other members of the police party was present near Quality Computer Dharam Kanda, Nirmal Palace Road, Ludhiana where during Nakabandi the applicant came on Scooter Activa bearing registration No.PB-10-GA-8167. She was signaled to stop. The search of the applicant as well as Dicky of the Scooter was conducted from where one brown colour purse was recovered wherein two black polythene containing something were recovered. On opening the same, one electronic scale, 140 empty pouches of polythene and two water colour polythene were recovered. On opening the said two polythene bags, it was found that heroin was put therein. On weighment 440 grams heroin was recovered. She could not produce any permit or license, as such, as she was arrested in the case.”

Learned counsel for the petitioner has argued that the petitioner was arrested on the spot when the alleged recovery of 440 grams of heroin was made from her and after completion of investigation, though the final report was filed on 19.09.2019 and charges were framed on 16.11.2019, but till date no prosecution witness has been examined out of total fourteen witnesses. He submits that the trial is not making any headway, and the petitioner, who is now 65 years old deserves the concession, because previously petitioner was released on interim bail as she had lost her husband, and later her interim bail was extended also in view of pandemic COVID-19, He further submits that upon completion of bail period she surrendered on 15.11.2021. He prays for bail.

On the other hand, learned State counsel assisted by SI Rampal has opposed the prayer on the ground that the recovered contraband is commercial in nature. Apart from it, the petitioner is accused in two similar cases and in this regard, he has produced the custody certificate of the petitioner filed by way of affidavit of Rajdeep Singh, PPS, Additional Superintendent, Central Prison, Patiala, which reveals that in the said cases, the petitioner is on bail. It is also not disputed by learned State counsel that petitioner never misused the concession of interim regular bail.

Considering the above background, age of the petitioner, who is a lady and the fact that the trial is not making any progress, this Court is of the opinion that further detention of the petitioner behind the bars may not serve any useful purpose, who is presently confined in judicial custody after her arrest on 27.04.2019. Further, the material witnesses are police officials and there does not seem to be any possibility of their being won over,

therefore, this Court deems it appropriate to release the petitioner on regular bail

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

23.02.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No