

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 25.04.2022

1. CRM-M-2354-2022 (O&M)

Kaki Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-5246-2022 (O&M)

Veerpal Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner (in CRM-M-2354-2022).

Mr. G.S. Sandhu, Advocate
for the petitioner (in CRM-M-5246-2022).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to
petitioners Kaki Kaur and Veerpal Kaur, in FIR No.291 dated 17.11.2021 under

Section 21-B of NDPS Act, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of ASI Surjit Singh, while on patrol duty, he noticed that two ladies are coming on feet and on the basis of suspicion, he stopped the vehicle and asked them to stop. On seeking the police party, they took out something from their purses and threw the same on roadside. The complainant, with the help of Lady Constable, stopped both the ladies. They disclosed their name as Kaki Kaur and Veerpal Kaur. Thereafter, they were asked to come near the polythene bags thrown by them, in which some white coloured powder was visible. It is further stated that since the complainant was not competent officer, he sent information to the police station to depute second Investigating Officer and thereafter, SI Malkeet Singh came at the spot and recovered 9 grams each of heroin from both the petitioners through joint recovery memo and same was signed by Lady Constable Manpreet Kaur as a witness. Thereafter, a notice under Section 50 of NDPS Act was given and personal search of both the petitioners was conducted. It is argued that it will be a matter of trial whether joint recovery memo prepared by SI Malkeet Singh, without taking assistance of Lady Constable Manpreet Kaur, who has only been cited as witness, complies with the provisions of Section 50 (5) of NDPS Act. It is also submitted that both the petitioners are in custody for the last about 05 months; investigation is complete and they are not required for further custodial interrogation.

Learned State counsel, on the basis of the custody certificates, filed in the Court today, has not disputed the factual position, however, it is

submitted that both the petitioners are involved in some other cases.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, both these petitions are allowed and petitioners Kaki Kaur and Veerpal Kaur are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

25.04.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No