

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

206

CRM-M-6096-2022 (O&M)

Date of decision: 28.04.2022

Sonia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the third petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.45 dated 30.03.2020 lodged under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station STF Phase IV SAS Nagar, Mohali, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that subsequent to the dismissal of the previous petition on 12.01.2021, 03 prosecution witnesses have been partly examined. Learned counsel submits that besides this, the petitioner has been in custody since 30.03.2020 along with her infant child, who at the time of her arrest was just three months old and is now about 02 years and 03 months. Learned counsel, while inviting the attention of this Court to the FIR in question, submits that no doubt the petitioner, along with her husband and her 03 months old child, was allegedly apprehended pursuant to a secret information received by the police, however, it was the admitted case of the prosecution that no recovery of any contraband was effected from her person. He submits that the recovery of 260 grams of heroin was

effected from the personal search of her husband i.e. co-accused. It has been further submitted that even alleged recovery effected was just marginally higher than the minimum notified in respect of commercial quantity of heroin. Learned counsel submits that a compassionate view be taken in view of the fact that the petitioner is not a person of criminal antecedents as she is not involved in any other case coupled with the fact that she has been in jail for the last more than 02 years alongwith her 02 year old child. Furthermore, he submits that the trial is unlikely to conclude in the near future as 16 prosecution witnesses remain to be examined.

Per contra, learned State, on instructions from SI Jagdev Singh, does not dispute the factual aspect of the submissions made by the counsel opposite qua no recovery of contraband having been effected from the conscious possession of the petitioner. Learned State counsel on instructions has conceded that the petitioner is not involved in any other criminal case much less under the NDPS Act. He further submits that the next date before the trial Court is 16.05.2022 when the investigating officer is likely to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner is a lady and has been in custody alongwith her 2 and a half year old infant since 30.03.2020. She is not involved in any other criminal case much less under the NDPS Act. The trial will take considerable time to conclude.

Hence, in the facts and circumstances, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the

trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.04.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No