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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6312 of 2022 (O&M)

Date of decision: 22.12.2022

Munni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-31468-2022

Heard.

Allowed as prayed for.

Documents (Annexures A-1 to A-5) are taken on record
subject to all just exceptions.

CRM-M-6312-2022 (O&M)

Prayer in this 2nd petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.112 dated 03.06.2021, registered under
Section 22 of the Narcotic Drugs and Psychotropic Substances Act (in
short 'the NDPS Act') at Police Station City Sunam, District Sangrur.

Counsel for the petitioner has argued that the new ground
for filing this petition is that the petitioner is in long custody for the last
01 year, 02 months and 21 days and out of 16 PWs, no PW has been
examined.

Counsel for the petitioner has submitted that as per the
allegations, the FIR was registered on the basis of a secret information
that the petitioner Munni is habitual of selling intoxicant tablets and she
was apprehended. Thereafter, the recovery of the contraband was

effected, however, it will be a matter of trial whether a proper procedure was followed or not. It is further submitted that the petitioner is a lady aged about 61 years and is presently not facing the prosecution in any other case under the NDPS Act.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the recovery of 3950 intoxicant tablets of TRAMADOL was effected by following a proper procedure.

Without commenting anything on merits of the case, considering the fact that the petitioner is a lady aged about 61 years and she is in custody for the last 01 year, 02 months and 21 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.12.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No