

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-8870-2022 (O&M)

Date of decision: 29.04.2022

Banso**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. A. S. Kakkar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

None for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 115 dated 16.07.2021, registered under Sections 304 and 34 of the IPC at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Manjit Kaur, it is stated that her elder son Ajaypal Singh is addicted to drugs and is working in a factory. It is further stated that on 24.06.2021, he was coming from work, however, later on, his mobile phone went switched off and he did not come back. On 25.06.2021, she came to know that her son has died due to overdose of drugs. It is further stated that Ajaypal Singh used to take drugs from Chhajghar Basti, Jaito. The complainant has also visited the Chhajghar Basti and asked the persons not to provide drugs to Ajaypal Singh, however, later on, she found that Nachhatar, petitioner Banso, Bimla and Geeta, who are the

residents of Basti, were supplying drugs to Ajaypal Singh.

Learned counsel for the petitioner further submits that the petitioner is a lady aged about 35 years and she is not involved in any other case, therefore, the allegations in the FIR that she indulged in the business of narcotics is an afterthought.

Learned counsel further submits that the petitioner is in judicial custody for the last more than 09 months and conclusion of trial is likely to take a long time as even charges have not been framed so far.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case and she is in judicial custody for the last 09 months and 13 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is not involved in any other case; she is in judicial custody for the last 09 months and 13 days and also considering the allegations in the FIR wherein the complainant has stated that her son died due to overdose of the drugs as the proceedings under Section 174 Cr.P.C. were also initiated regarding death of Ajaypal Singh and later on, the petitioner was arrested, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

29.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*