

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-9810-2021****Date of decision : 02.04.2022****Sheelo Bai****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Priyanshu Kamra, Advocate for
Mr. Kuldip Singh, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.94 dated 07.07.2019 under Sections 21 and 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Vairoke, District Fazilka, who is in custody since her arrest on 07.07.2019.

As per the prosecution case, 1000 tablets of Forridol (containing Tramadol Hydrochloride) were recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner has argued that though the charges were framed against the petitioner on 29.01.2020, but till date one prosecution witness has been examined out of total 12 witnesses. He prays for bail.

On the other hand, learned State counsel assisted by ASI Desraj refers to short reply filed by way of affidavit of Vaibhav Sehgal, PPS Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka and has

opposed the prayer on the ground that the petitioner is involved in another case bearing FIR No.01 dated 05.01.2018 under Sections 21, 61 and 85 NDPS Act registered at Police Station Sadar, Jalalabad, for allegedly possessing 10 grams of heroin, however, he states that in the said case, petitioner was released on bail as the quantity was small, and the said trial is also pending.

At this stage, learned counsel for the petitioner has produced the order dated 25.01.2018, whereby accused-Maya Bai was released on bail in case FIR No.01 dated 05.01.2018. He submits that the petitioner is not an accused in the said case.

After hearing learned counsel for the parties and considering the above background, this Court finds that the conclusion of trial will take considerable time as eleven prosecution witnesses still remain to be examined, whereas the petitioner is in custody since 07.07.2019, and presently confined in judicial custody, therefore, her further detention behind the bars may not serve any useful purpose. The material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

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.

(MANOJ BAJAJ)
JUDGE

02.04.2022

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No