

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

**CRM M-13182-2021
Date of Decision: 21.07.2022**

Puran Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Fourth petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.206 dated 23.07.2018, under Section 21 of Narcotic Drugs & Psychotropic Substances, Act, 1985 registered at Police Station City Jagraon, District Ludhiana.

2. Above mentioned FIR was registered on the basis of *ruqa* sent by ASI Karamjit Singh with the allegations that on 23.07.2018 he was on patrolling duty at Tehsil Chowk, Jagraon. At about 11.30 am, petitioner came from Bus Stand Jagraon side. On seeing police party, she became perplexed. She turned back and started brisk walking. On being suspicious, ASI Karamjit Singh with the help of lady Constable Mahinder Kaur stopped the petitioner and enquired about her name and address. Thereafter, Prabhjot Kaur, DSP was called on the spot. On personal search of petitioner, one polythene wrapper was found and Heroin was recovered from it. On weighment, it came to be one

kilogram. After doing all the legal formalities, accused was taken into custody and the substance was taken into possession vide separate memo.

3. This Court, on 28.04.2021, while granting interim bail to the petitioner, passed the following order:-

“Contends that the petitioner is in custody since 23.07.2018. Charges were framed on 22.02.2019. She is more than 73 years of age; but till date, there is no progress in the trial. Learned State counsel seeks time to have instructions regarding other criminal case pending against the petitioner.

Posted on 26.05.2021.

Till the next date of hearing, the petitioner be released on interim bail, in this case, subject to the satisfaction of the learned trial Court /Chief Judicial Magistrate/Duty Magistrate concerned.”

4. Learned counsel, on instructions from petitioner, submits that she has been regularly appearing before learned trial Court. Further contends that there is a violation of Section 42 of the NDPS Act; petitioner is not involved in any other case. Also contended that in case, petitioner is granted bail on regular basis, there is no apprehension or allegation that petitioner shall influence the witnesses or tamper with the evidence in any manner. Further submits that petitioner is 73 years of age. Out of 13 prosecution witnesses, only three have been examined; thus, conclusion of trial will take a sufficient long time.

5. The above factual position is duly acknowledged by learned State Counsel.

6. In view of the above, there is no hesitation to record twin-test satisfaction in terms of Section 37 of the NDPS Act to the following effect:-

As noticed in para 4, *prima-facie*, there is a violation of Section 42 of the NDPS Act at the time of seizing the alleged contraband; thus, it can be termed as a reasonable ground for believing that petitioner is not guilty of offence at this stage. She was granted interim bail and has not misused the

concession thereof; thus not likely to commit any offence in case released on regular bail.

7. In such a situation, sending the petitioner to judicial custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 28.04.2021, is made absolute. Petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

9. The observations made above are only for the limited purpose of deciding present bail application and may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

21.07.2022

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No