

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

217

CRM-M-12829-2022(O&M)

Date of decision: 14.07.2022

MUKAND KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Armaan Gagneja, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.03 dated 10.01.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner was found in conscious possession of 400 tablets of Tramatrast-100 SR without any permission. Learned counsel for the petitioner contends that the petitioner is an 80 years old woman and has been in custody since 12.01.2022 and has already undergone custody period of more than 6 months. He contends that the investigation in the case is complete and that there are numerous discrepancies in the case of the prosecution including failure of the investigating officer to associate any independent witness during the course of recovery and further the batch number of the recovered intoxicant tablets have not been recorded as a result whereof, the contraband tablets in questions cannot be traced back to the seller. It further leads to a distrust with respect to the quantity of the contraband

seized.

Per contra, learned State counsel points out that yet another case bearing FIR No.52 dated 10.04.2021 has been registered against the petitioner for commission of the offence under the NDPS Act. It is, however, not controverted that the petitioner is already on bail in the said case after a custody of 01 month and 14 days. She has conceded that the investigation in the case is complete and the charge has not been framed so far.

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

Taking into consideration the circumstances as noticed above, the recovered contraband being of non-commercial quantity, the age of the petitioner as well as the period of actual custody undergone, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 14, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>