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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.14159 of 2022 (O&M)

Date of decision: 23.08.2022

Kamla @ Billi

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Ritesh Pandey, Advocate  
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this 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.06 dated 16.01.2020, registered under Sections 21/22/29/29-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Sadar Gurdaspur, District Gurdaspur.

Counsel for the petitioner has argued that the petitioner is a lady aged about 62 years and she is in custody for the last about 01 year 09 months and 20 days and the case is still fixed for prosecution evidence and it will take long time in conclusion of the trial.

Counsel for the petitioner has further submitted that the petitioner is suffering from multiple health problems as she is having heart problem as noticed in the order of the Sessions Court while dismissing her bail application, however, despite two dates, no affidavit of the Jail Superintendent along with the affidavit of the Jail Doctor is filed.

Brief facts of the case are that the FIR was registered at the instance of SI Pardeep Kumar that the petitioner was found in possession of 1012 intoxicant capsules and 5 gms of Heroin. The

petitioner was granted the concession of interim bail till the receipt of the report of FSL by the Court of Sessions and thereafter, on 15.03.2021, she surrendered back and is in custody.

Counsel for the petitioner has also argued that it will be a matter of trial whether the proper procedure under Section 42 of the NDPS Act has been followed or not.

Counsel for the State has filed the Custody Certificate and has not disputed the actual custody undergone by the petitioner, however, a perusal of the order passed by the Judge, Special Court, Gurdaspur reflects that the petitioner is involved in certain other cases under the IPC and one case under the NDPS Act.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 09 months and 02 days; the petitioner is suffering heart problem and various other aged related health problems; 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 his 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

23.08.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No