

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

204

CRM-M-20594-2021(O&M)

Date of decision: 15.03.2022

RAJWINDER KAUR @ RAJ

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.116 dated 08.09.2020 under Sections 22/25 of the NDPS Act registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner contends that as per the allegations borne out from the FIR, the petitioner is stated to be accompanying the co-accused Gurmej Singh in the car. The petitioner along with co-accused Gurmej Singh were found in possession of 15000 Clovidol-100 SR tablets, total weighing 604.5 grams. The same was effected from the rear seat of the car. Learned counsel further submits that the petitioner is in custody since 08.09.2020 and has already undergone custody period of 01 year and 05 months. It is further submitted that no witness has so far been examined before the trial Court and that the petitioner is not involved in any other case under the NDPS Act. It is further pleaded that

the petitioner is not the owner of the car and that the owner and driver of the car happens to be co-accused Gurmej Singh. Hence, she cannot be presumed to be in conscious possession of the contraband.

Sh. Karanbir Singh, learned Assistant AG Punjab does not controvert the said facts and submits that the quantity recovered from the rear seat of the car is commercial. It is, however, not controverted by him that there is no other case against the petitioner and she is also not the owner of the car used in the commission of the offence.

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

Taking into consideration the facts noticed-above as also the custody period undergone by the petitioner and in the absence of any antecedents reflecting that the petitioner is involved in any other case pertaining to NDPS Act, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on 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

March 15, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*