

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22604-2022

DATE OF DECISION: SEPTEMBER 13, 2022

POOJA @ NEHA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AKASH SHEORAN, ADVOCATE
FOR MR. SHIV KHURMI, ADVOCATE
FOR THE PETITIONER.

MR. KUNAL MUTHREJA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.259 dated 31.10.2017, under Section 22/61/85 NDPS Act, Police Station Meharban, District Ludhiana, who is in custody since her arrest on 31.10.2017.

As per the allegations levelled in the FIR, on 31.10.2017 at 4.30 p.m., when SI Jaspal Singh alongwith other police officials was patrolling on an official vehicle and reached near Atta Chakki at Jagirpur, one boy alongwith one lady, who was carrying a lady purse on her left shoulder was seen. On seeing the police party, they got perplexed and started moving at a fast speed. On suspicion, they were apprehended, who disclosed their names as Davinder Pal Singh @ Daman and Pooja @ Neha. On search, 5 grams Heroin was recovered from the possession of Davinder Pal Singh @ Daman, whereas from the purse of Pooja @ Neha 360 gms. of Heroin was recovered. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the investigation of the case is complete and the charges were framed on 15.5.2018 and out of total 17 prosecution witnesses, only 9 witnesses have been examined so far. Learned counsel submits that the petitioner is behind the bars since 31.10.2017, but the trial is yet to conclude. He prays for regular bail.

On the other hand, learned State counsel assisted by ASI Surjeet Singh states that the petitioner was arrested on the spot and the recovered contraband falls within the ambit of commercial quantity. However, it is not disputed that out of total 17 prosecution witnesses, eight witnesses still remain to be examined.

After hearing learned counsel for the parties, considering the custodial period of the petitioner, and the pace of trial, the further detention of the petitioner may not be necessary for any useful purpose as examination of eight witnesses would take considerable time. Apart from it, the remaining prosecution witnesses are police officials and at present there does not seem to be any possibility of there 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 in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 13, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No