

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

CRM-M-27742-2021 (O&M)

Date of decision: 04.02.2022

Bawi Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bikramjeet Singh Jatana, Advocate for the petitioners.

Ms. Bhavna Gupta, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners have filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 83 dated 28.05.2020, registered under Sections 22 and 25 of the NDPS Act, 1985, and Section 29 of the NDPS Act added later on, at Police Station Sadar Budhlada, District Mansa, the earlier one having been dismissed vide order dated 22.01.2021 passed by a Coordinate Bench.

Custody certificate by way of affidavit dated 03.02.2022 of the Deputy Superintendent, District Jail, Mansa, submitted by the learned State counsel through email, is taken on record.

Learned counsel for the petitioners submits that the petitioners, who are ladies aged about 52//44 years and have falsely been implicated in the present case; that no recovery has been effected from them; that they have

been indicted on the disclosure statement of co-accused Lakho Kaur. The petitioners have been in custody since 28.05.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioners are habitual offender. However, she does not dispute the custody period of the petitioners He submits that out of 13 prosecution witnesses, only 4 witnesses have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.05.2020. No recovery was effected from the petitioners. The remaining prosecution witnesses are yet to be examined. The conclusion of the trial would taken a long time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is made clear that the petitioners would not apply for exemption in an ordinary manner and if the bail is misused by them at any stage, the same would be cancelled automatically.

(HARNARESH SINGH GILL)
JUDGE

04.02.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No