

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

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CRM-M-25802-2022 (O&M)

Date of Decision: 08.12.2022

LEELO

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.53 dated 27.04.2022, registered under Section 21(b) of the NDPS Act, at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner is a lady, having two minor children and is suffering from various ailments; that the allegation against the petitioner is that she along with Gurmit Singh @ Mita were apprehended on the spot; that the alleged recovery of 7 grams Heroin, which is marginally above the small quantity, was effected from the co-accused; that the petitioner was the pillion rider on the motorcycle, which was driven by Gurmit Singh @ Mita and that the petitioner has been in custody since 27.04.2022. He further submits that as far as other two cases i.e. FIR No.75/2006 and FIR No.96/2010, under the NDPS Act, registered against the petitioner are concerned, she was convicted in the said cases and she has already undergone the entire sentence and paid the fine amount. Still further, it is submitted that

prosecution evidence is yet to commence.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that the petitioner is a habitual offender and convicted in two other cases of NDPS Act and thus, she does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The petitioner is a lady and have two minor children to look after, who has been in custody since 27.04.2022. No recovery was effected from the petitioner. The petitioner was the pillion rider on the motorcycle, which was driven by the co-accused. The recovery effected in the present case is marginally above the small quantity. As far as other cases are concerned, the petitioner has already undergone the entire sentence in the said cases and paid the fine. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*