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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30014-2022 (O&M)
Date of Decision:05.09.2022

Krishna Devi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-29201-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-29200-2022

Application is allowed, subject to all just exceptions. Annexure P-3 is taken on record.

CRM-M-30014-2022 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.53 dated 05.05.2021 under Sections 15 and 22 (C) Narcotic Drugs and Psychotropic Substances Act

1985 (Section 29 NDPS Act, 1985 added later on) registered at Police Station Khuian Sarwar, District Fazilka, who is in custody since her arrest on 05.05.2021.

As per prosecution, on 05.05.2021, the police party headed by ASI Sukhdev Singh apprehended two persons on the basis of suspicion, who on inquiry, disclosed their names as Manga Singh @ Meeta and Balraj Singh respectively. On search of the bags carried by them, recovery of 08 kgs of poppy husk and 28000 intoxicating tablets was effected.

Learned counsel has argued that recovery of 8 kgs poppy husk and 28000 Tramadol tablets was effected from co-accused Balraj Singh and Manga Singh @ Meeta, who were arrested on the spot and subsequently, on their disclosure statement, petitioner and co-accused, namely, Mandeep Kaur were nominated as accused on the ground that they had purchased this material from the ladies. He states that co-accused Mandeep Kaur has already been granted the concession of regular bail by this Court vide order dated 28.02.2022, and prays that the petitioner be also released on bail.

Learned State counsel assisted by ASI Des Raj, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. However, he does not dispute the fact that the co-accused has been released on regular bail. He has produced the custody certificate by way of affidavit of Yogesh Jain, Deputy Superintendent of Central Jail, Ferozepur, which indicates that the petitioner is not involved in any other case. He further states that in all, there are fourteen prosecution witnesses, but only one prosecution witness has been examined so far.

After hearing the learned counsel for the parties and

considering the above background, particularly the custodial period of the

petitioner, her further detention behind the bars may not be necessary for any useful purpose, as the trial is not making any progress and its conclusion would consume considerable time. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their 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 subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No