

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34111-2021 (O&M)
Date of Decision:- 23.3.2022

Manpreet Kaur @ Preet

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhinav Sood, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.147, dated 9.7.2021, Police Station Mataur, District SAS Nagar, Mohali, under Sections 21, 22 of NDPS Act.
2. The case of the prosecution, in nutshell, is that on 9.7.2021, when a police party was present in the area of Mataur, District SAS Nagar, Mohali, in connection with patrolling, then a white coloured Lancer car bearing registration No.CH-01-AE-5594 was noticed approaching from Sector 69, Mohali, which was being driven by a clean shaven person and in which a girl was sitting in front passenger seat. The driver of the said vehicle, upon noticing the police party tried to turn

back the vehicle, but the vehicle came to a halt. The driver of the vehicle immediately alighted from the same and fled away from the spot. However, the girl sitting on the front passenger seat was apprehended by the police. Upon search of the vehicle, a polythene envelope containing 35 grams of 'Heroin' was recovered which was lying near the brake pedal of the car. Another polythene envelope was recovered from dash-board of the car which was found to contain 610 tablets of 'Tramadol'.

3. Learned counsel for the petitioner has submitted that she was merely sitting on the front seat and had no clue whatsoever as regards the contraband alleged to be found in the car. It has been submitted that the petitioner in any case cannot be attributed conscious possession of the contraband which was recovered from a place near the brake pedal in front of the driver seat and from dash-board of the car. Learned counsel has further submitted that the petitioner has 11 months child, who is also lodged in jail along with the petitioner being of tender age and that in these circumstances the petitioner whose involvement is also doubtful, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that co-accused namely Ekant is none else, but the husband of the petitioner and that both of them were in hand in gloves for the purpose of commission of crime and as such the petitioner cannot raise the plea of she not being in conscious possession of the contraband. It has further been submitted that she also happens to be involved in one more case under NDPS Act in which she is on bail. Learned State

counsel has however, not disputed the fact that a minor child of the petitioner whose age is about 10 months is also with her in jail. It has been informed that the petitioner has been behind bars since the last 8 ½ months.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it may be said that the question as regards the conscious possession of the petitioner may be debatable, particularly as regards the recovery of 'Heroin' which was recovered from near brake pedal of the car which was being driven by the co-accused. However, this Court cannot lose sight of the fact that a minor child of the petitioner whose age is about 11 months is also lodged in jail on account of the confinement of the petitioner.
7. Having regard to the aforesaid facts and circumstances, particularly bearing in mind the welfare of the minor child, this Court is of the opinion that it is a fit case for grant of bail. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.3.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No