

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

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CRM-M-36145-2021 (O&M)

Date of Decision: 19.05.2022

KOSHAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harlove Singh Rajput, Advocate and
Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.179 dated 28.07.2021, registered under Section 22 of the NDPS Act (Section 29 NDPS Act added later on), at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar, Punjab.

Learned counsel for the petitioner submits that one person, namely, Harkirat Singh @ Kirat, was arrested at the spot and the alleged recovery of 275 injections, was effected from him; that on the statement given by said Harkirat Singh @ Kirat, house of Sonu @ Satish was raided where his brother, namely, Rakesh Kumar @ Monu (who is a licensed chemist) and his sister, namely, Koshal (the petitioner), were found present and the recovery of 95 injections was made and that co-accused, namely, Satish Kumar @ Sonu has already been granted the concession of anticipatory bail, by a Coordinate Bench of this Court, vide order dated 12.08.2021, which stands confirmed vide order dated

08.10.2021. He further submits that the petitioner is a married lady and has been residing with her husband in her matrimonial house at Panipat, Haryana and that on the day of the alleged occurrence, she coincidentally, had come to her brother's house for the purpose of meeting her family members and has no concern with the alleged recovery. Still further, it is submitted that the petitioner has been in custody since 29.07.2021.

In support of his contentions, learned counsel for the petitioner relies upon the Rule 66 of the NDPS Act, which states that possession of an individual for his personal medical use, the quantity thereof shall not exceed 100 douses/units at a time.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has been indicted on the basis of the disclosure statement of the co-accused. He further submits that there are total 17 prosecution witnesses and none of them have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.07.2021. The petitioner has been indicted on the basis of the disclosure statement of the co-accused. As per Annexure R-1, annexed with the reply filed by the State, the petitioner has been residing at District Panipat for the last 12 years. Co-accused has already been enlarged on bail. 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 both the sides, 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.

19.05.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No