

217 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-36654-2022 (O&M)

Date of Decision : 25.08.2022

JAANVI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.117 dated 28.05.2022 under Sections 21(b), 29A, 27 A NDPS Act and Section 25 of Arms Act registered at Police Station City Gurdaspur, District Gurdaspur.

As per allegations in the FIR, petitioner along with two other persons were travelling on Moped (Scooty Mestro) and were apprehended by the police on suspicion. Then driver disclosed his name as Hari Om and pillion rider disclosed their names as Jaanvi (petitioner hererin) and Lalita. On search of the dicky of the moped, one envelope containing country made fire arm weapon 315 bore alongwith four cartridges out of which, two cartridges were live and two were missed

cartridges and one revolver 38 bore and one envelope containing 15 grams of heroin.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case as she was the pillion rider of the alleged vehicle. He further submits that it would be a moot question whether the petitioner was in conscious possession or not of the recovered contrabands in this case. It is further contended that it is the case of recovery of non-commercial quantity of contrabands i.e. 15 grams of heroin, whereas commercial quantity is stated to be above 250 grams and on the other hand recoveries would also be irrelevant as far as the knowledge of the petitioner is concerned. It is further submitted that the petitioner is in custody since 28.05.2022 and there is a minor child of the petitioner who is to be looked after. Conclusion of the trial is likely to take a long time and custody of petitioner is no longer required.

Learned counsel for the respondent-State opposes the bail application referring to the serious allegations as contended in the FIR. He has filed the custody certificate dated 25.08.2022 in the Court today, and same is taken on record.

While referring to the custody certificate, learned counsel for the petitioner further submits that petitioner who is a women, aged 35 years, is inside the jail since 28.05.2022 and till now she has undergone actual custody of a period of 02 months and 23 days. It is further submitted that there is no other case registered/pending against the petitioner herein and her antecedents are clean. He further refers to the provisions of Section 437 Cr. P. C. which provides that the court may

direct that a person can be released on bail if such person is under the age of sixteen years or is a women or is sick or infirm.

I have heard counsel for the parties and have also perused case file.

Keeping in view the abovesaid circumstances and also the facts that the petitioner is a lady, aged 35 years and was pillion rider and is in custody since 28.05.2022 and she has one minor child to be looked after and the matter has been investigated and the trial is likely to take time to conclude; no useful purpose would be served by keeping the petitioner behind bars any longer. Therefore, petitioner is directed to be released on regular bail on her execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate.

The petition is allowed.

However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

25.08.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No