

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

**CRM-M-38165-2022(O&M)
DECIDED ON: 31.08.2022**

SHINDER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

CRM-31001-2022

Leave granted, as prayed for.

CRM stands disposed of.

CRM-M-38165-2022

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 185 dated 17.04.2021, under Section 21,22,29,61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called as Act of 1985), Police Station City Barnala, District Barnala.

Learned counsel for the petitioner contends that recovery of 350 gms of intoxicant powder (chitta) was allegedly effected from the co-accused, however, the petitioner was not apprehended at the spot and there is willful defiance to Section 50 of the Act of 1985.

Learned State counsel has produced the custody certificate, which is taken on record, according to which, the petitioner is behind bars

since one year, four months and two days. He also asserts that the petitioner is involved in two other cases of NDPS Act bearing FIR No. 394 dated 25.09.2019, under Section 21/29/61/85 of NDPS Act, Police Station City Barnala, wherein, she is behind the bars and in another FIR No. 436/2018, under Section 22/25/29/61 and 85 of NDPS Act, Police Station City Barnala, she has been granted bail and, therefore, is a habitual offender.

The petitioner is a lady aged 55 years, who has already undergone one year, four months and two days as per the custody certificate and even in the FIR wherein she is not on bail, has been in actual custody as an under-trial for one year, two months and nine days, and also in view of the judgment dated 22.04.2022 of a Co-ordinate Bench passed in CRM-M-10032-2022, titled as Saleem v. Union of India, pendency of another trial, cannot be an impediment for grant of bail in the case, if the case is made out on merits.

In view of the facts and circumstances discussed hereinabove; considering the custody period and also the fact that trial is not likely to be concluded in near future, the petition is allowed, and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned Chief Judicial Magistrate / Duty Magistrate, Barnala.

(SANDEEP MOUDGIL)
JUDGE

31.08.2022
mamta

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>