

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

**CRM-M-39639-2022
Date of Decision: 07.09.2022**

Jaspreet Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ramneek Vasudeva, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

1. This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 46, dated 05.05.2018, under Sections 21/61/85 of the NDPS Act, 1985, registered at Police Station Singh Bhagwantpura, District Rupnagar.

2. Learned counsel for the petitioner has submitted that alleged recovery from the present petitioner was 5 grams of heroin and the petitioner was released on bail but thereafter, was declared as a Proclaimed Offender, vide order dated 27.05.2019 and the other co-accused of the petitioner have been acquitted vide judgment dated 15.11.2019. It is submitted that thereafter, the petitioner has been arrested on 16.06.2022 and since then, the petitioner is in custody. It is submitted that the petitioner is not involved in any other criminal case and the investigation is complete and there are 5 witnesses, none of whom have been examined so far and thus, the trial is likely to take time.

3. Learned State counsel, on the other had, has opposed the present petition for regular bail and has submitted that the petitioner was absconding for a period of more than 03 years and was ultimately arrested and thus, does not deserve the concession of regular bail. The other facts however, have not been disputed.

4. This court has heard learned counsel for the parties and has perused the paper book.

5. The recovery effected from the petitioner is stated to be 5 grams of heroin, which is much lessor than the stipulated commercial quantity which starts from 250 grams and the petitioner was granted regular bail but thereafter, was declared as a Proclaimed Offender on 27.05.2019. The other co-accused of the petitioner have been acquitted vide judgment dated 15.11.2019. The petitioner is in custody since 16.06.2022 and the investigation is complete and there are 5 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other criminal case.

6. Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 07, 2022	(VIKAS BAHL)
nitin	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No