

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

214

CRM-M-45222-2021 (O&M)

Date of Decision: 04.04.2022

Poonam Rani @ Punam

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Ram Pal.

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.43 dated 29.05.2019 at Police Station Special Task Force, District SAS Nagar, under Sections 21/25/27-A/29 of the NDPS Act, wherein it is alleged that on 29.05.2019 while she was travelling in a car, she was found in possession of 1 Kg. of 'heroin'.
2. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case. Learned counsel has further submitted that another occupant of the car namely Payal, who was also found in possession of 900 grams of 'heroin', had already been granted bail by this Court and as such, the petitioner, who is also a lady, deserves the same concession on the grounds of parity.

3. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of co-accused Payal having been granted bail inasmuch as she had been granted bail while noticing that she was having a matrimonial dispute with co-accused and was having a 2 years child and was to appear in examination and had in fact even appeared in examination one day prior to the day when she was caught. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years & 10 months and that she is not involved in any other case. It has also been informed that as on date only 2 PWs out of cited 13 PWs have been examined.
4. I have considered rival submissions addressed before this Court.
5. The petitioner, who is a lady, has been behind bars for a substantial period of more than 2 years & 10 months. The conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 13 PWs have been examined so far.
6. Hon'ble the Supreme Court vide order dated 07.02.2020 passed in Criminal Appeal No.245 of 2020 titled 'Chitta Biswas Alias Subhas Vs. The State of West Bengal' while dealing with a matter regarding grant of bail to an accused charged with allegations of being in possession of 'commercial' quantity of contraband, granted bail mainly on the ground that the petitioner has been in custody since 21.07.2018 and only 4 out of the cited 10 PWs had been examined.
7. In another case i.e. Criminal Appeal No.1570 of 2021 titled 'Mahmood Kurdeya Vs. Narcotics Control Bureau' pertaining to a case of recovery

of ‘commercial’ quantity of ‘Tramadol’, where the accused had been in custody for about 3 years & 3 months, Hon’ble the Supreme Court vide its order dated 07.12.2021 was pleased to grant bail while making the following observations:

“.....What persuades us to pass an order in favour of the appellant is the fact that despite the rigors of Section 37 of the said Act, in the present case though charge sheet was filed on 23.09.2018 even the charges have not been framed nor trial has commenced. The manufacturer who sold the drugs to the appellant during the sunset clause himself has been granted bail.”

8. In yet another case i.e. Criminal Appeal No.668 of 2020 titled ‘Amit Singh Moni Vs. State of Himachal Pradesh’, Hon’ble the Supreme Court vide its order dated 12.10.2020 was pleased to grant regular bail pertaining to a case of recovery of ‘commercial’ quantity of contraband on account of custody of 2 years and 7 months.
9. Bearing in mind the long custody period of the petitioner who is a lady and also that the petitioner, otherwise, has a clean record and the conclusion of trial is likely to consume time as till date only 2 PWs out of the cited 13 PWs have been examined, the petition is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**