

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

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**CRM-M-41282 of 2022
Date of decision: 14.11.2022**

SURINDER KAUR ALIAS BAGGU ALIAS SHALINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mandeep Singh, Advocate for
Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Mani Pal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.094 dated 17.07.2022 under Sections 15(b) of the NDPS Act registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel contends that the petitioner who is 63 years old lady is alleged to have been in possession of 12 kg of poppy husk, which was recovered from her in a plastic bag, is non-commercial as per the schedule of the NDPS Act. He submits that the petitioner is in custody since 17.07.2022 and there has been no involvement of her, except the present case since the year 2007, when she was convicted in a previous matter. He further submits that challan has been presented on 13.09.2022 but charges are yet to be framed and there are a total of 19 witnesses.

Contrarily, learned State counsel on instructions from ASI Kulbir

Singh has opposed the bail on the ground that the petitioner was apprehended

on the spot with the contraband as stated by the learned counsel for the petitioner and the antecedents are not clear. However, he is unable to controvert the fact that the petitioner has been in custody since 17.07.2022 and charges are yet to be framed.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 17.07.2022; though challan has been presented but charges are yet to be framed; there are a total of 19 witnesses, the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse her liberty.

7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

8. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

9. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

November 14, 2022

P.Bhatt

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*