

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

CRM-M-41471-2022 (O&M)

Date of decision: 11.10.2022

Anita Rani @ Sajia Parveen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 89 dated 14.05.2022, registered under Sections 21, 29 of the NDPS Act, at Police Station STF Phase-4, SAS Nagar, District SAS Nagar.

Status report by way of affidavit dated 01.10.2022 of the Deputy Superintendent of Police, Special Task Force, Ludhiana Range, and the custody certificate dated 10.10.2022 issued by the Superintendent Women Jail, Ludhiana, submitted by the learned State counsel in the Court is taken on record.

Learned counsel for the petitioner submits that the petitioner is wife of Akhtar Hussain, who was also apprehended with her; that on search of motor-cycle of Akhtar Hussain, 290 gram of *Heroin* and drug money Rs. 24,000/- was effected from the box used for keeping documents of the

vehicle; that no contraband was recovered from her and rather the recovery is of only a mobile phone; that the petition has no concern with the motorcycle; that there is no other pending or decided case against the petitioner; that as per the opinion of the Doctor, the petitioner is suffering from chronic cholecystitis with cholelithiasis enlarged uterus with adenomyosis with intramural leiomyomas and that the petitioner has been in custody since 14.05.2022.

Learned State counsel, while vehemently opposing the prayer for bail, submits that as per the status report, when the petitioner and her husband were about to go on the motorcycle, apprehended from the spot and from the box of motorcycle used for keeping documents of the vehicle, 290 gram of *Heroin* and drug money of Rs. 24,000/- were recovered. On personal search of the petitioner, one mobile phone was recovered from her. However, he does not dispute the custody period of the petitioner and the fact that there is no other case against the petitioner. He submits that the challan stands presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.05.2022. The petitioner has no concern with the motorcycle and no contraband was recovered from the petitioner. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and her counsel will not seek unnecessary adjournments and that if the petitioner seeks to delay the trial or involves her into another case of a similar nature, the trial Court is permitted to put back her into incarceration.

(HARNARESH SINGH GILL)
JUDGE

11.10.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No