

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

**CRM-M-41750-2020 (O&M)  
Date of decision: 25.04.2022**

Balvinder Kaur @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

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**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks regular bail in case bearing FIR No.25 dated 25.03.2017, registered under Section 22 of the NDPS Act, at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is a widowed lady, having 03 (three) children; that earlier the petitioner's brother was looking after her children, but he passed away on 20.11.2020; that there is no one to look after her children and that nothing further is to be recovered from the petitioner and that the petitioner has been in custody 31.07.2020.

Learned counsel for the petitioner also points out that ASI Tarlochan Singh, Investigating Officer, while appearing as PW-1 on 22.09.2021, had specifically stated that though he was directed to deposit the case property in the judicial *malkhana*, yet the case property has not been recorded to have been deposited in the judicial *malkhana*. He further stated that it was wrong to suggest that he had intentionally not deposited the case property in judicial *malkhana*.

On the other hand, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel submits that the recovery effected from the petitioner is of a commercial quantity; that, initially, interim bail was granted to the petitioner by the trial Court, awaiting the FSL report, but the petitioner had misused the same and absconded herself from the Court proceedings; that resultantly, she was declared as a proclaimed offender on 16.02.2019 and that she had been on a run for more than 01 (one) year and 05 (five) months. He further submits that earlier, the petitioner was convicted under the NDPS Act, but she had already undergone the actual sentence imposed therein. He submits that out of 10 prosecution witnesses, 5 are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 31.07.2020. The petitioner is a lady and she has to look after her three children. Even as per the statement of Tarlochan Singh (PW-1), the case property was not deposited by him in the judicial malkhana. The remaining 05 prosecution witnesses are yet to be examined. Therefore, 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.

**(HARNARESH SINGH GILL)**  
**JUDGE**

**25.04.2022**

*Mangal Singh*

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No