

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

CRM-M-46246-2021 (O&M)

Date of decision: 01.02.2022

Krishna Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 48 dated 19.06.2021, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station City-II, Abohar, District Fazilka.

The first petition, bearing CRM-M-35219-2021, was dismissed as withdrawn on 04.10.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner has undergone substantive custody of more than 07 months and she is on bail in other two FIRs under the NDPS Act, relating to the year 2012 and 2018.

Learned counsel further submits that as per allegations in the FIR, registered at the instance of ASI Manjit Singh, it is stated that while he was on a patrol duty, he noticed that a lady is coming on foot and on seeing

the police party, she became perplexed and threw a plastic bag, which she was carrying in her hand and started walking away. She was apprehended on suspicions with the help of a lady police official and on inquiry, she disclosed her name as 'Krishnan Rani', i.e. the present petitioner. Later on, it was found that she has kept 22 grams of heroin.

Learned counsel further submits that the petitioner is a widow lady, aged about 52 years and has her own family to support. It is further submitted that it will be a matter of trial whether in the absence of any proceedings initiated under Section 50 of the NDPS Act, a proper procedure was followed or not.

Learned counsel for the petitioner further submits that out of total 10 prosecution witnesses, none has been examined so far and the conclusion of trial is likely to take a long time.

Learned State counsel has not disputed the factual position. It is also not disputed that till date, no prosecution witness has been examined so far, though the petitioner has been convicted in an FIR of 2012 for the period, which she has already undergone.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a widow lady; she is in judicial custody for the last more than 07 months and also in view of the fact that conclusion of trial is likely to take some time as no prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it is made clear that in case the petitioner is found

indulged in any other case under the NDPS Act during the pendency of the trial, it will be open for the prosecution to apply for cancellation of bail by way of moving an appropriate application.

01.02.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>