

CRM-M-42114-2022

Date of Decision:19.09.2022

Raman Kaur alias Ramna

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MS.JUSTICE NIDHI GUPTA

Present: Ms. Simsi Dhir, Advocate,
for the petitioner

Mr. Shubham Kaushik, DAG, Punjab.

NIDHI GUPTA, J. (Oral)

This is a petition under Section 439 of the Cr.P.C.for grant of regular bail to the petitioner in FIR No.84 dated 23.07.2022, under Sections 21/29/61/85 of the NDPS Act, 1985, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner alleges that the police officials of P.S.Chabbewas is inimical towards the petitioner and they lifted the petitioner and her co-accused Balveer Singh from their house alongwith their minor child namely Diljaana aged about 3 years, on 23.07.2022 since then they are in custody.

The petitioner is neither the owner of the vehicle nor recovery was effected from her on search and as per the allegation in the FIR search is from the concealed place inside the car and not from the open place and there is violation of Section 50 of the NDPS Act as no offer was made to be searched in presence of a Magistrate nor search was conducted by a gazetted officer.

In support she relies upon **Inderjeet Singh alias Laddi and others vs. State of Punjab**, 2014 (3) RCR(Crl.) 953; and **Ram Singh vs.**

Central Bureau of Narcotics, 2011(2) RCR (CrI.) 850.

Notice of motion.

Learned State counsel accepts notice at the asking of the court on behalf of the respondent State and opposes the bail application as the petitioner is an habitual offender and three other FIRs are also registered against her.

That being so, without making any comment on the actual merits of the case, keeping in view the period of custody of the petitioner and she being a lady alongwith a minor child aged 3 years, the petition is allowed and the petitioner is ordered to be admitted to bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

September 19, 2022
dharamvir

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO