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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48133-2021 (O&M)
Date of Decision:31.05.2022

Krishna

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lokesh Vohra, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.0082 dated 07.09.2021 registered under Section 22 NDPS Act, 1985 at Police Station Jhunir, District Mansa. The petitioner is in custody since her arrest on 07.09.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Mansa in the order dated 08.11.2021 are as under:

“As per the prosecution version, accused Chhinder Singh (non-applicant) and accused Krishna (applicant) wife of Chhinder Singh were found in possession of 4500 tablets of Tramadol. During the interrogation, aforesaid accused suffered their disclosure statement that they had purchased aforesaid tablets from accused Prem Singh resident of Alika. Accordingly, accused Prem Singh was nominated as accused u/s 29 of the NDPS Act vide DDR No.44 dated 07.09.2021.”

Learned counsel has aruged that the petitioner is wife of co-accused Chhinder Singh, who was driving the two wheeler, therefore, merely because the wife was accompaning the husband at the time of recovery would not be sufficient to connect her with the alleged crime, particularly when she is not involved in any other case of similar nature. He has aruged that the

petitioner and her husband are in custody since their arrest and there is nobody to lookafter thier minor children. He prays for bail, as the investigation is complete.

Learned State counsel assisted by ASI Amirt Singh, has opposed the prayer on the ground that alleged quantity recovered from the petitioner and her husband falls within the ambit of commercial quantity. However, it is not disputed that the charges have been framed on 11.12.2021, but no prosecution witness has been examined so far. It is also not disputed that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, her further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

31.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No