

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
221 CRM-M-49613-2021 (O&M)
Date of Decision: 23.05.2022

Mandeep Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anil Kumar Spehia, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Rakesh Kumr.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No. 0193 dated 05.11.2020 under Sections 22 read with Section 29 of the NDPS Act, at Police Station Division No. 1, Police Commissionerate Jalandhar, Punjab.
2. The allegations in nutshell are that the petitioner was found in possession of 46 injections of Buprenorphine 2ml each.
3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that there is no convincing evidence to connect her with the alleged recovery. It has further been submitted that the petitioner is infected with HIV and her minor son, who is presently aged about 2 years and 3 months, is also in jail with her and that in these circumstances, she deserves the concession of bail, particularly when she otherwise has a clean record.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed while in possession of a 'commercial'

quantity of contraband, no case for grant of regular bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 01 year and 06 months and that she is not involved in any other case.

In the reply filed today by the State of Punjab, it has been stated therein that the minor son of the petitioner has been with the petitioner since 18th December, 2020, who is presently aged about 02 years and 03 months. Reply is also accompanied by the medical certificate of the petitioner which reads as follows:

“Patient named Mandeep Kaur w/o Hardev Singh, her current condition is stable and all her vitals are found to be within normal limit. Patient is a known case of HIV and is on ART treatment with ART number 10348. She complaints of skin rashes on right side of her neck for which she is regularly consulted by dermatologist on her visit to the jail. She was referred on dated 21.05.2022 to Civil Hospital Kapurthala for routine checkup, where she was advised regular follow up at ART Centre Civil Hospital Kapurthala.”

5. I have considered rival submissions addressed before this Court.
6. In view of the aforesaid position, wherein this Court finds that the petitioner who is a lady, is having a minor child who is also in jail with her and while also noticing that the petitioner has been diagnosed to be HIV +ve and otherwise she has been behind bars for a substantial period of more than 01 year and 06 months, further detention of the petitioner who has a clean record will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular

bail on her furnishing bail bonds/surety bonds to the satisfaction of
learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.05.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**