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

CRM-M No.49891 of 2021 (O&M)

Date of decision: 18.05.2022

Paramjit Kaur @ Paro

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.37 dated 16.06.2021, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Kotfatta, District Bathinda.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of SI Dharwinder Pal, while on petrol duty, a young man and a woman were seen standing near a portable cart attached with a motorcycle. On suspicion, they were apprehended and disclosed their names as Gagandeep Singh @ Gaggi and the petitioner – Paramjit Kaur @ Paro. Thereafter, by giving a notice under Section 50 of the NDPS Act, the recovery of 800 tablets of TRAMADOL and 250 tablets of ALPRAZOLAM was effected. It is further submitted that even as per the own case of the prosecution, the

cart which was attached with the motorcycle was parked and the petitioner was actually standing nearby and the petitioner is neither the owner nor driver of the said motorcycle. It is also submitted that it is not the case that both the petitioner Paramjit Kaur as well as co-accused Gagandeep were riding the motorcycle when they were apprehended rather the motorcycle was lying parked, therefore, one of the question, to be decided during the course of trial, is about the conscious possession of the contraband.

Counsel for the petitioner has further argued that the petitioner is a lady having 03 minor children and she is not involved in any other case. It is also submitted that the petitioner is in custody for the last 11 months and out of 18 PWs, only 01 PW has been examined so far.

Counsel for the petitioner has placed on record a photocopy of the Disability Certificate of the daughter of the petitioner issued by the Medical Board, which is taken on record as Mark A, which suggest that the daughter of the petitioner namely Mandeep Kaur, is suffering from 60% locomotor disability. It is argued that since there is no other person to look after the minor children of the petitioner, she may be granted the concession of bail.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 11 months; the petitioner is not involved in any other case; the custodial

interrogation of the petitioner is not required; the daughter of the petitioner is suffering from 60% disability; out of 18 PWs, only 01 PW has been examined and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.05.2022
yakub

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