

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

**CRM-M-47095-2022 (O&M)**

**Date of decision: 24.11.2022**

**Lalita**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.117 dated 28.05.2022 under Sections 21(b)-27A-29 of the NDPS Act, 1985 and Section 25 of Arms Act, 1959 registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner, at the very outset, relies upon order dated 25.08.2022 passed in CRM-M-36654-2022, vide which co-accused Jaanvi has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“As per allegations in the FIR, petitioner along with two other persons were travelling on Moped (Scooty Mestro) and were apprehended by the police on suspicion. Then driver disclosed his name as Hari Om and pillion rider disclosed their names as Jaanvi (petitioner hererin) and Lalita. On search of the dickey of the moped, one envelope containing country made fire arm weapon 315 bore alongwith four cartridges out of

which, two cartridges were live and two were missed cartridges and one revolver 38 bore and one envelope containing 15 grams of heroin.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case as she was the pillion rider of the alleged vehicle. He further submits that it would be a moot question whether the petitioner was in conscious possession or not of the recovered contrabands in this case. It is further contended that it is the case of recovery of non-commercial quantity of contrabands i.e. 15 grams of heroin, whereas commercial quantity is stated to be above 250 grams and on the other hand recoveries would also be irrelevant as far as the knowledge of the petitioner is concerned. It is further submitted that the petitioner is in custody since 28.05.2022 and there is a minor child of the petitioner who is to be looked after. Conclusion of the trial is likely to take a long time and custody of petitioner is no longer required.

Learned counsel for the respondent-State opposes the bail application referring to the serious allegations as contended in the FIR. He has filed the custody certificate dated 25.08.2022 in the Court today, and same is taken on record.

While referring to the custody certificate, learned counsel for the petitioner further submits that petitioner who is a women, aged 35 years, is inside the jail since 28.05.2022 and till now she has undergone actual custody of a period of 02 months and 23 days. It is further submitted that there is no other case registered/pending against the petitioner herein and her antecedents are clean. He further refers to the provisions of Section 437 Cr. P. C. which provides that the court may direct that a person can be released on bail if such

person is under the age of sixteen years or is a women or is sick or infirm.

I have heard counsel for the parties and have also perused case file.

Keeping in view the abovesaid circumstances and also the facts that the petitioner is a lady, aged 35 years and was pillion rider and is in custody since 28.05.2022 and she has one minor child to be looked after and the matter has been investigated and the trial is likely to take time to conclude; no useful purpose would be served by keeping the petitioner behind bars any longer. Therefore, petitioner is directed to be released on regular bail on her execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate.

The petition is allowed.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner was also one of the pillion riders and the allegations against her are similar to that of co-accused Jaanvi.

Learned counsel for the petitioner further submits that even co-accused Hariom, who was riding the scooter and from whom the recovery of fire arm was effected, has also been granted concession of regular bail by this Court, vide order dated 20.09.2022 passed in CRM-M-41256-2022.

Learned State counsel has not disputed the factual position. It is also not disputed that the petitioner is not involved in any other case and she is a young lady, aged about 26 years.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, 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.

24.11.2022  
*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

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