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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53388 of 2021
Date of Decision: 02.04.2022

ZEENAT

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarun Singhal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in her second attempt under Section 439 Cr.P.C in case bearing FIR No.158 dated 22.11.2019 registered under Sections 21 & 29 of the NDPS Act. Earlier CRM-M No.7853 of 2020 was got dismissed as withdrawn on 26.08.2021.

As per allegations, the FIR was lodged on the basis of secret information to the effect that petitioner and another accused used to bring heroin from Delhi and then supply the same at different places in Punjab. It was alleged that on 22.11.2019 also the accused were bringing heroin from Delhi in huge quantity in a car and it had gone to Patiala and thereafter

were coming from Patiala towards Ghanaur Shambu. A naka was installed. One kg heroin was recovered from the lady purse allegedly carried by the petitioner. One kg heroin was recovered from the bag carried by co-accused Nasir.

Learned counsel for the petitioner submits that the petitioner is a lady having small children. Petitioner is not involved in any other NDPS case. Petitioner is in custody for the last more than 2 years and 4 months. Out of 13 prosecution witnesses, only 4 witnesses have been examined so far and the trial of the case may take considerable time in its culmination.

Learned counsel further submits refers to **CRM-M No.20566 of 2019** titled '**Veeru vs State of Punjab**' decided on 19.11.2019, **CRM-M No.41779 of 2020** titled '**Gurpreet Singh vs State of Punjab**' decided on 17.12.2020, **CRM-M No.17481 of 2020** titled '**Mani Singh @ Maddi vs State of Punjab**' decided on 22.07.2020, **CRM-M No.25382 of 2020** titled '**Gurbaksh Singh vs State of Punjab**' decided on 02.09.2020 and submits that by virtue of long incarceration of the petitioner, she is entitled for regular bail *de hors* the nature of quantity allegedly recovered from her. Since the the petitioner is not involved in any other NDPS case, therefore, allegation of her involvement in the trade of narcotics cannot be alleged.

Learned counsel further submits that driver of the

vehicle namely Rashid Ali has already been granted regular by the trial Court.

Learned State counsel however opposes the bail on the ground that after framing of charges, 4 prosecution witnesses have been examined and next date before the trial Court is 21.05.2022 for examination of remaining prosecution witnesses.

In view of status of the petitioner in terms of her custody for the last more than 2 years and 4 months and factum of her non-involvement in any other NDPS case as per custody certificate filed by learned State counsel, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 02, 2022

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No