

229

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

CRM-M No.53394 of 2021 (O&M)

Date of decision: 26.04.2022

Gurdev Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mikhail Kad, 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.198 dated 27.09.2021, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sadar Dhuri, District Sangrur.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police party headed by ASI Amritpal Singh were on petrol duty, when a lady was seen coming on foot carrying a black coloured polythene bag. On seeing the police party, she became perplexed and tried to slip away by throwing the said polythene bag. On suspicion, she was apprehended by one lady police officer namely Ranbir Kaur and thereafter, the second Investigating Officer was called at the spot and in his presence, 800 tablets of TRAMADOL were recovered. It is also submitted that the petitioner is a lady aged about 60 years and is a first offender and has no history of involvement in any

other case under the NDPS Act. It is also argued that challan stands presented and out of 18 PWs, none has been examined and it will take some time in conclusion of the trial.

Counsel for the petitioner has further submitted that one of the moot point to be decided during the course of trial is whether proper procedure has been followed or not while effecting the recovery.

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 a lady, aged about 60 years; she is in custody for the last 06 months and 28 days; the petitioner is not involved in any other case under the NDPS Act; the custodial interrogation of the petitioner is not required; out of 18 PWs, none has been examined, so far 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

26.04.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No