

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

218

CRM-M-49733-2022

Date of decision: 14.11.2022

RANI KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Mohinder Singh, Addl. A.G., Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.48 dated 10.05.2022 under Sections 21, 22, 25 and 29 of the NDPS Act registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and her name has surfaced based on the disclosure statement made by co-accused, from whom the contraband had been allegedly recovered. He submits that petitioner is in custody since 14.07.2022 and she is not involved in any other FIR under the NDPS Act. He further submits that challan has been presented on 29.10.2022 but charges are yet to be framed and in all there are 17 witnesses. He further contends that petitioner has a minor child to look after and places reliance upon a judgment passed by a Co-ordinate Bench in *CRM-M-13072-2022 decided on 20.07.2022 titled as Jagtar Singh @ Nikka vs. State of Punjab*, wherein the petitioner was got involved based on the disclosure statement and had been in custody for almost 6 months and there

were two more cases against the petitioner and an amount of Rs.2.40 lakhs was also recovered.

Contrarily, learned State counsel has opposed the bail on the ground that the commercial quantity of contraband was recovered from co-accused and petitioner. However, he is unable to controvert the fact that the petitioner has been in custody since 14.07.2022 and charges are yet to be framed.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 14.07.2022; though challan has been presented but charges are yet to be framed, thus the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to

dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse her liberty.

7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

8. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

9. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

It is made clear that in case of non-adherence of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

November 14, 2022

P.Bhatt

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*