

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

CRM-M-54479-2021 (O&M)

Date of decision: 05.12.2022

Kulwant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Bhupinder Kaur, Advocate for the petitioner.

Mr. Shubham Kaushik, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 43 dated 02.04.2016, registered under Sections 15 and 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

The first petition, bearing CRM-M-38846-2021, was dismissed as withdrawn on 23.09.2021.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner is in judicial custody for the last 01 year, 04 months and 25 days and one of the co-accused, namely Amar Kaur @ Thela, has already been granted the concession of regular bail by the co-ordinate Bench, vide a detailed order dated 27.09.2022 passed in CRM-M-23143-2021.

Learned counsel for the petitioner further submits that two more co-accused, namely Gurmeto @ Gurmit Kaur @ Nilli and Bachan Kaur, have also been granted the concession of regular bail by this Court,

vide orders dated 21.12.2020 and 25.05.2021 passed in CRM-M-3384-2020 and CRM-M-19345-2021, respectively.

Since the facts are noticed in detail in the order dated 27.09.2022 passed in CRM-M-23143-2021, the same are not reproduced here again.

Learned State counsel has filed the custody certificate, as per which, the petitioner is in judicial custody for the last 01 year, 04 months and 25 days.

Learned State counsel has opposed the bail on the ground that that the recovery effected from the petitioner is of 250 grams of intoxicant powder, which falls under commercial quantity and the petitioner has been convicted one more case under the NDPS Act, whereas she has undergone her entire sentence.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; she is a lady, aged about 50 years; other co-accused have already been granted the concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take a long time as even the charges are yet to be framed, 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.

05.12.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*