

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

CRM-M-58498-2022

Date of Decision:-23.12.2022

Gurdev Kaur @ Gurdeva.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harjinder Singh, Advocate for the Petitioner.

Ms. Ramta Chowdhary, DAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 439 Cr.PC is for grant of regular bail to the petitioner in case FIR No.151 dated 02.11.2021 under Section 15 of the NDPS Act, 1985 registered at Police Station Mehatpur, District Jalandhar.

The brief facts of the case leading to the registration of the FIR are that the officials were present at Umrewal Billa Mod Main G.T. Road Mehatpur in connection with patrolling and checking of suspected persons when secret information was received that Paramjit Singh @ Pamma son of Surjit Singh and his mother Gurdev Kaur @ Gurdeva wife of Surjit Singh residents of village Raipur Gurjan, Mehatpur, Jalandhar were engaged in the business of selling Poppy Husk and they had kept a huge quantity in the shed adjoining their house and if a raid was conducted, the Poppy Husk

could be recovered. Based on these facts the FIR came to be registered and thereafter the recovery of 75 Kgs of Poppy Husk was effected in the presence of the petitioner. However, her son Paramjit Singh @ Pamma fled away in the dark.

The Counsel for the petitioner contends that there is no compliance of Section 50 of the NDPS Act. No independent witness was joined at the time of search and nothing was effected the conscious possession of the petitioner. Since the petitioner was in custody since 02.11.2021 and there was no significant progress in the Trial, the petitioner ought to be granted the concession of bail more so when she was of the age of 66 years, ailing and had no criminal antecedents.

The Counsel for the State on the other hand contends that this is the third bail application of the petitioner. The first application was ordered to be dismissed as withdrawn on 14.7.2022 and the second on 14.09.2022. He contends that there is no change in circumstances between the earlier withdrawal of the bail applications and the filing of the present petition. He contends that commercial quantity of contraband has been recovered from the petitioner and as regards her health she is getting adequate medical treatment from Jail as is borne out from the order dated 29.03.2022. Even otherwise 02 Pws have been examined out of 08 Pws cited in the list of witnesses and as such the Trial will be concluded expeditiously

I have heard learned Counsel for the parties at length.

Admittedly, this the third bail application of the petitioner. There are no change of circumstances between the withdrawal of the earlier two bail applications and the filing of the present bail application. The

recovery effected from the petitioner is of commercial quantity of contraband. The petitioner is getting adequate medical treatment for her ailments as is apparent from the order Annexure P-2. The recovery in the present case is of commercial quantity of contraband and the petitioner is not entitled to the grant of bail.

In view of the above, I find no merit in the present petitioner and the same is therefore dismissed.

However, the Trial Court is directed to conclude the Trial expeditiously, not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

December 23, 2022
Vinay

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