

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-1794-2023

Date of Decision: 04.09.2023

Jaswinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J.

1. Petitioner, who is a lady of 35 years, has filed the instant petition under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.155 dated 18.08.2022, under Sections 22(c) of NDPS Act (Section 29 of NDPS Act added later on vide DDR No.20 dated 20.08.2022), registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Learned counsel contends that the petitioner was arrested in this case on 20.08.2022 and since then, she is in custody. The petitioner was not present at the spot and she is nominated in the FIR in question on the basis of disclosure statement of co-accused Gurpiar Singh, who is son of the petitioner, from whom 1800 tablets of Trakem-100 SR containing salt Tramadol Hydrochloride and 750 tablets of Alpraquill-0.5 containing salt of

Alprozolam, have been recovered. It is submitted that no recovery has been effected from the petitioner and except for the disclosure statement, there is no other evidence or material to connect the petitioner with the alleged offence. Counsel for the petitioner relies upon the judgment in *Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1*.

3. Learned counsel for the petitioner submits that the petitioner is not involved in any other case. He submits that the *challan* was presented before the trial Court on 13.02.2023 but till date, charges have not been framed, what to say about the prosecution evidence and thus, trial is not likely to conclude in near future. Reliance is placed on the order dated 27.07.2023 passed by co-ordinate Bench of this Court in CRM-M-19189-2023, titled *Gurmeet Singh alias Meet Vs. State of Punjab*, wherein the petitioner was implicated on the basis of disclosure statement and no recovery had been effected from him.

4. Custody certificate of the petitioner dated 02.09.2023 has been filed by learned State counsel, which is taken on record. As per the custody certificate, the actual undergone period of the petitioner is 09 months and 22 days.

5. Learned State counsel opposes the bail on the ground that petitioner has been specifically named in the disclosure statement of co-accused from whom recovery of contraband in question has been effected. He is however unable to controvert the submissions regarding the stage of the case and petitioner not being involved in any other case.

6. I have heard learned counsel for the parties.

7. Considering the facts and circumstances of the case, in

particular that the petitioner is in custody for 09 months and 22 days; she is nominated in this case is on the basis of a disclosure statement; no recovery has been effected from her; she is not involved in any other case; *challan* stands presented on 13.02.2023, however, charges are yet to be framed; trial is likely to take considerable time and thus, her further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

8. 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:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). 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.
- (v). The petitioner shall not in any manner misuse his liberty.
- (vi). The petitioner shall furnish his 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.

- (vii). The petitioner shall not leave the country without prior permission of the trial Court.
- (viii). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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

10. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case.

September 04, 2023
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No