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

CRM-M- 4557-2023 (O&M)
Date of Decision: 25.05.2023

Mandeep Kaur alias Madeep alias Deepi alias Deep

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Akash Manocha, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

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DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 174 dated 17.10.2022, under Sections 22 (c), 25, 29 of NDPS Act registered at Police Station City Rampura, who is alleged to have possessed contraband of 05 gram heroin along with Rs. 15000/- as drug money.

Learned counsel for the petitioner contends that the petitioner is in custody since 21.10.2022 and is not even named in the FIR. He submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of main accused Ravinder Singh alias Ravi and the alleged recovery which falls under the ambit of non-commercial category, was recovered from the conscious possession of the main accused Ravinder Singh alias Ravi. He further submits that the challan stands

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presented and the charges have been framed and out of total 22 prosecution witnesses none has been examined till date. Learned counsel for the petitioner further contends that the recovery is non-commercial nature and the petitioner being a lady is under custody since October, 2022 and the conclusion of trial will take sufficient time, therefore, prayer is made for the petitioner to be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer**,** opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and 03 other cases of similar nature have been registered against her, however, he does not dispute the fact that challan stands presented and charges have been framed.

Confronted with the same, learned counsel for the petitioner submits that out of cases registered against the petitioner has been released on bail in three of them.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 21.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the charges have been framed and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction

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of the trial Court concerned on the following conditions:-

1. *She will appear before the Court on each and every date of hearing;*
2. *She will not give any threat or intimidation to the prosecution witnesses;*
3. *She will not indulge in any criminal activity.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of her bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

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Whether speaking/reasoned	***Yes***
Whether Reportable	***Yes /No***

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