

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-4531-2022 (O&M)
Date of Decision:-19.4.2023

Palwinder Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Gurpreet Kaur, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Balbir Singh.

FIR No.	Dated	Police Station	Section/s
54	13.10.2020	City Ahmedgarh, District Malerkotla (Earlier District Sangrur)	22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. It is the case of prosecution that on 13.10.2020 the Police party headed by ASI Harjit Singh was patrolling in search of suspected persons then a secret information was received to the effect that Palwinder Kaur (petitioner) wife of Sikandar Singh indulges in sale of intoxicant tablets and that on the given day she would be coming from her house for sale of such tablets. Pursuant to

receipt of said information, the police proceeded towards Bajrang Akhara, Ahmadgarh, where a lady was seen coming carrying a plastic bag in her right hand and who upon noticing the police party threw the plastic bag and started walking briskly. The said lady was apprehended on the basis of suspicion and the bag thrown by her was checked and was found to contain 6000 tablets of *Alprasafe-0.5 (Alprazolam)*. It is further the case of prosecution that during the course of interrogation on 15.10.2020 the aforesaid Palwinder Kaur disclosed that her husband Sikandar Singh indulges in sale of intoxicant tablets and that the tablets recovered from her had infact been given to her by her husband.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has further been submitted that the petitioner has been behind bars for a substantial period of more than 2 years and 6 months and since the trial is proceeding at snail's pace as only 3 PWs out of the cited 12 PWs have been examined till date, the petitioner cannot be kept behind bars for an indefinite period. Learned counsel for the petitioner has submitted that the petitioner is not involved in any other case.
4. Opposing the petition, learned State counsel has submitted that since it is a case, wherein the petitioner was caught red-handed while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 6 months. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions addressed before this Court.

6. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

7. Hon’ble Supreme Court in yet another judgment dated 25.1.2023 arising out of SLP No.6690-2022 titled Dheeraj Kumar Shukla Vs. State of Uttar Pradesh has granted bail in a case registered under the NDPS Act where the accused alongwith co-accused was found in possession of ‘commercial’ quantity of ‘Ganja’ and had been behind bars since the last two and a half

years while observing that in the absence of any criminal antecedents, the conditions of Section 37 of the NDPS Act could be dispensed with at that stage, particularly when there was delay in conclusion of trial.

8. Having regard to the fact that the petitioner, who is a lady, has been behind bars since the last more than 2 years and 6 months and is not shown to be involved in any other case, this Court is of the opinion that provisions of Section 37 of NDPS Act at this stage can be dispensed with in the present case.
9. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

19.4.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No