

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

CRM-M No.6607 of 2023
Date of decision: 21st March, 2023

Paramjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwar Inder Singh, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.125 dated 21.08.2022 under Sections 15/25/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City I, Sangrur, District Sangrur.

Learned counsel for the petitioner inter alia submits that the petitioner, who is a woman having no criminal antecedents, was just accompanying the main accused in a car. On being signaled to stop by the police patrolling party, the main accused i.e. driver of the car fled away from the spot leaving the woman behind in the car. On search, three bags containing 54 kgs of poppy husk were recovered from the rear seat of the vehicle. Learned counsel submits that neither the petitioner was a registered owner of the said vehicle nor was she in any

manner related to the main accused, who fled away from the spot. He submits that she was just a friend, who on the fateful day happened to be accompanying the main accused. It has been further submitted that the main accused Mohan, who was driving the vehicle in question and allegedly fled away from the spot, has since been extended the concession of anticipatory bail by this Court. Still further, it has been submitted that investigation is complete and there is no likelihood of the trial concluding in the near future as 20 prosecution witnesses have been cited by the investigating agency. Learned counsel has further asserted that the alleged recovery of poppy husk is just marginally higher than the minimum prescribed under the commercial quantity under the Act i.e. 50 kg. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that the vehicle in question, from which the alleged recovery of 54 kg of poppy husk was effected, was not registered in the name of the petitioner. He has also not been able to dispute the submissions of the counsel opposite that the petitioner is not involved in any other criminal case much less under the NDPS Act. He however submits that the charges are likely to be framed on the next date of hearing i.e. 23.03.2023 fixed before the trial Court.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has now been in custody since 21.08.2022 and till date only challan stands presented. Co-accused Mohan, who was allegedly driving the vehicle in question and had fled away from the spot on seeing the police, has since been extended the concession of anticipatory bail by this Court. In the facts and circumstances, as enumerated hereinabove, since the trial is going to take considerable time to conclude, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here that in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

March 21, 2023

rps

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