

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.223

CRM-M-8532-2023

Date of decision : 01.05.2023

Meena

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.J.S.Hooda, Advocate, for the petitioner.

M.A.P.S.Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.29 dated 21.05.2012 registered under Sections 21, 22 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act) at Police Station Sadar, Pathankot.

2. The petitioner is being prosecuted for having been found in illegal possession of 250 grams of dextropropoxyphene.

3. Learned counsel for the petitioner contends that the petitioner is a 35 year old housewife; she is the mother of three minor children; she does not have any other criminal antecedents; she has been falsely implicated in this case; the alleged recovery from the petitioner is 250 grams of dextropropoxyphene which is classified as “non-commercial” quantity under the NDPS Act; investigation in the case is complete; after grant of bail there was a communication gap between the petitioner and her counsel appearing for her before the trial court and therefore she absented from her trial and was declared a proclaimed offender; for her afore mistake she has already suffered incarceration for over 4½ months and that as and when the petitioner’s trial does begin, the same will take along time to conclude.

4. Learned State counsel opposes grant of bail to the petitioner on the

ground that she was a proclaimed offender and if granted bail she may flee from justice as also that she may repeat the offence for which she is being prosecuted.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. The petitioner is a 35 year old lady; she is the mother of three minor children; she does not have any other criminal antecedents; investigation in the case is complete; the alleged recovery from the petitioner is classified as “non-commercial” quantity under the NDPS Act; she is in custody for the last 4½ months and that her trial, as and when it begins, the same is likely to take a long time to conclude.

7. In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Pathankot, who shall insist on heavy local sureties, the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

9. It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; she shall share the number of the phone as also her location with the SHO of the area where the petitioner normally resides; she shall mark her attendance on the 1st of each month in the concerned police station and that she shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

01.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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