

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

CRM-M-15456-2022 (O&M)

Date of Decision: 11.04.2023

SUKHWINDER KAUR @ BINDER KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. N.S. Gill, Advocate for
Mr. Manpreet Kaur, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA J.

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 35 dated 10.04.2021, under Sections 22 and 25 of NDPS Act (Section 22 changed to Section 22(c) and Section 29/61/85 of NDPS Act added later on) registered at Police Station Barnala, District Barnala.

Learned State counsel has filed custody certificate of the petitioner along with reply by way of affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, (SD), Barnala, District Barnala, which are taken on record.

Learned counsel for the petitioner contends that petitioner is not even named in the FIR and the alleged recovery admittedly has not been effected from him and the petitioner has been implicated on the basis of disclosure statement of co-accused Karnail Singh. It is further contended that investigation of the case is complete and challan already stands presented. Learned counsel further contends that co-accused Soni Singh @

Mani Singh has been granted interim anticipatory bail by a Co-ordinate

Bench of this Court vide order dated 24.08.2021 passed in CRM-M-34441-2021 and the said order was made absolute vide order dated 05.01.2022. He further submits that petitioner is in custody since 20.11.2021, the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigation Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that challan stands presented on 17.12.2021.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 20.11.2021.

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, the investigation is complete and the challan also stands presented and since conclusion of trial would take sufficient time, so 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 his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned, if not required in any other case.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

11.04.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No