

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15921-2023
DECIDED ON: 21.07.2023

RAJ KUMARI @ RAJA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail in FIR No.156, dated 26.08.2022, under Sections 21(b), 21, 22(c), 27-A, 29 of NDPS Act, 1985, registered at Police Station Dinanagar, Distt. Gurdaspur.
2. In pursuance of the order dated 12.04.2023 reply by way of an affidavit of Navinder Singh, PPS, Superintendent, Central Jail, Gurdaspur has been filed, which is taken on record. A copy of the same has been supplied to the counsel for the petitioner.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case, wherein certain gold ornaments were taken into custody from her home and she was arrested from her place of residence alongwith one Mangalsuttar, one necklace, 5 rings, one set of earrings, one chain and 2 chain alongwith locket were recovered. The contention is further to the extent that the alleged recovery of 20 grams of heroin and certain intoxicant tablets have been

planted, therefore, the petitioner has been roped in the frivolous FIR.

4. Learned State counsel has filed the custody certificate of the petitioner, after making the correction in the earlier, which were pointed out on the previous date. He could not assert on any cogent material to comment the petitioner with the alleged recovered contraband to make out a case under NDPS Act.

5. A perusal of the custody certificate further shows that in FIR No.163 dated 14.12.2019, under Sections 21, 61, 85 of NDPS Act, registered at Police Station Dinanagar, the petitioner has already completed the sentence and has been released from the custody on 08.02.2022.

6. However, the reply filed on behalf of Superintendent Central Jail, Gurdaspur is not convincing to this Court, wherein admittedly the petitioner has already completed the sentence in FIR No.163 dated 14.12.2019. On the previous date an entry in the custody certificate depicted that the petitioner is on bail in that case, despite having completed the sentence and released from the custody, which was not only an attempt to mislead this Court, but forced this Court to adjourn the case delaying the right of life and liberty of the petitioner by more than three months. Such false information on the part of Jail Superintendent needs to be dealt with stern action.

7. Superintendent of Central Jail, Gurdaspur is called upon to show cause as to why the proceedings under Contempt of Court Act be not initiated against him. He shall also present on the next date of hearing with the reply to the present show cause notice.

8. As far as on merits, the contents of this petition is concerned, considering the fact that the petitioner has faced incarceration of 10 months and 26 days and there is chances of false implication, which cannot be ruled out, wherein trial is likely to take long time and the recovery of contraband alleged to have been

purpose would be served by keeping the petitioner behind the bars, as it would violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

9. In light of the above, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. The present petition is, hereby, allowed.

11. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

12. Adjourned to 08.08.2023 for awaiting the presence of Superintendent of Central Jail, Gurdaspur.

(SANDEEP MOUDGIL)
JUDGE

21.07.2023

Meenu

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