

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212) CRM-M-17338 of 2023 (O&M)
DATE OF DECISION:-22.05.2023

Rajwinder Kaur @ Rajji ...Petitioner

vs.

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.165 dated 14.09.2021 under Sections 21/29 NDPS Act, 1985, registered at Police Station Kotlse Khan District Moga.

(2) Petitioner has been implicated in the aforementioned FIR on the basis of disclosure made by co-accused Jaswinder Kaur @ Rani, wherein, the matter involves recovery of around 300 gram of heroin.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges on 26.09.2022 whereas out of the total 13 witnesses, only 1 witness has been examined so far. The petitioner has already suffered incarceration for a period of almost 10 months and the trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioner is involved in three other cases of similar nature.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner has been implicated on the basis of disclosure made by co-accused Jaswinder Kaur @ Rani and has already suffered incarceration for a period of almost 10 months whereas investigation already stands concluded with the filing of *challan* followed by framing of charges on 26.09.2022. Out of the total 13 witnesses, only 1 has been examined so far and thus, trial is likely to take some time. As regards other pending cases, petitioner is already on bail besides, in two out of three cases, she was implicated on the basis of disclosure. Accordingly, considering the facts and circumstances of the present case wherein petitioner has been implicated on basis of disclosure and the evidentiary value of the same is yet to be ascertained during the trial, without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(7) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

22.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No