

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-24343-2023

Date of decision: 18.05.2023

Monika

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.14 dated 08.02.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kheri Gandain, District Patiala.

2. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, learned counsel for the petitioner submits that a perusal of the same clearly reveals that no recovery of any contraband much less 110 injections of Buprenorphine Injection IP LEEGESIC, 2 ML each and 110 vials of Pheniramine Maleate Injections IP Avil 10 ML each, was effected from the petitioner and rather only her presence has been shown along with her husband i.e. co-accused Bhupinder Singh from whose conscious possession the aforesaid recovery of 110 injections of Buprenorphine Injection IP LEEGESIC, 2 ML each and 110 vials of Pheniramine Maleate

Injections IP Avil 10 ML each was effected. Learned counsel submits that the petitioner, who is a lady and has no criminal antecedents, has been in custody since 08.02.2022 and only 02 out of the 10 prosecution witnesses cited, stand examined. Hence, the trial shall take considerable time to conclude and her further incarceration in the aforementioned facts and circumstances would be of no avail.

3. Per contra, learned state counsel while opposing the prayer made by the counsel opposite on instructions, has not disputed that the alleged recovery was effected from a bag which co-accused Bhupinder Singh was carrying with him, however, he submits that the petitioner, who is the wife of the co-accused was very much present with co-accused Bhupinder Singh and was holding the hand of her husband when the recovery was effected.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he has not been able to controvert the submissions made by the counsel opposite that she is not involved in any other criminal case much less under the NDPS Act.

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

6. The petitioner has been in custody since 08.02.2022 and the prosecution evidence shall take considerable time to conclude and the petitioner as also conceded by the learned State counsel does not have any criminal antecedents. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner

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be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.05.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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