

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-29589 of 2022 (O&M)****Date of Decision: 12.04.2023**

Sarabjeet Kaur alias Sarabjit Kaur alias Manu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Akashdeep Miglani, Advocate
for Mr. Adarshdeep Singh, Advocate
for the petitioner(s).

Mr. Vishnav Gandhi, Deputy Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.**CRM-15654-2023 and CRM-50597-2022**

1. While taking on record the document (Annexure P5), both the applications are allowed.

CRM-M-29589-2022

2. This is the petitioner's second attempt to get bail during the pendency of trial in a criminal case arising from FIR No. 174 dated 21.09.2021, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sangat, District Bathinda.

2. As per the case of the prosecution, two women, namely Sarabjeet Kaur and Sharanjeet Kaur were found in the conscious possession of 540 strips of Radol (containing salt of Tramadol Hydrochloride)

containing ten tablets each.

3. The first bail application filed by the petitioner was dismissed on 17.05.2022. As per the custody certificate, the petitioner has suffered incarceration for a period of more than one year and six months and her co-accused, namely Sharanjeet Kaur alias Gaggu has been granted the concession of bail while deciding the petition i.e. Criminal Misc. No. M-53635 of 2022 titled as “Sharanjeet Kaur alias Gaggu v. State of Punjab”, decided on 23.01.2023, which is reproduced as under:-

“By way of this petition filed under Section 439 Cr.P.c., petitioner has prayed for grant of regular bail in case FIR No.174, dated 21.09.2021, registered at Police Station Sangat, District Bathinda, Punjab, under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Allegations are that petitioner and co-accused were found in conscious possession of 540 strips of Radol Tramadol containing 10 tablets each i.e. 5400 tablets with total weight of 1887.624 gram, which is of commercial category.

As per the custody certificate placed on record by the State Counsel, petitioner is in custody for the last 1 years, 3 months and 23 days. She does not have any criminal antecedent.

Considering the fact that the petitioner is a woman and she is in custody for more than 1 year 3 months and having no criminal antecedent and also the fact that the trial may take time to conclude, she is admitted to bail. She is ordered to be

released on her furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/learned Chief Judicial Magistrate concerned.

Disposed of.”

4. From the perusal of the custody certificate produced by the State, it is evident that the petitioner does not have any criminal antecedents.
5. For the reasons noticed in the order dated 23.01.2023 granting the concession of bail to the co-accused, the present petition is allowed. She is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Area Judicial Magistrate/Duty Magistrate concerned.

(Anil Kshetarpal)
Judge

April 12, 2023
“DK”

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