

**210 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2023:PHHC:048164

CRM-M-30820-2022

Date of decision: 10th April, 2023

Tarsem Kaur @ Toshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. H.S. Bhogal, Advocate for the petitioner.
Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking regular bail in case of FIR No. 60, dated 29th March, 2021, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station City Nawanshahar, District SBS Nagar. Earlier petition was dismissed as withdrawn on 29th March, 2022.

2. The brief facts are that on 29th March, 2021, the police party during routine checking apprehended Tarsem Kaur @ Toshi while going to village Mubarakpur. Petitioner was accompanied by her son who was successful in fleeing the spot. The son of the petitioner threw an envelop and from the conscious possession of the petitioner, twenty injections of Avil and twenty injections of Buprenorphine were recovered.

3. Learned counsel for the petitioner submits that petitioner is in custody since 29th March, 2021, she is seventy years old and is not involved in any other case under the Act. It is a case of false implication. He further submits that trial is not progressing.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that commercial quantity of narcotic substance was recovered.
5. Without commenting upon the merits of the case, considering that petitioner is of 70 years of age, she is in custody since 29th March, 2021, there in no progress in the trial, she has no criminal antecedents and that conclusion of trial is likely to take time, in similar circumstances the Supreme Court in *SLP (Crl.) No. 6690 of 2022-- Dheeraj Kumar Shukla v. The State of Uttar Pradesh*, decided on 25th January, 2023 granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
6. The petition is allowed.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition is allowed, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

10th April, 2023
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |