

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34598-2022
Date of Decision:-22.03.2023

MANJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.91 dated 24.07.2021 registered under Sections 22-C, 25, 29 of NDPS Act at Police Station Barnala, District Barnala.

Reply by way of short affidavit of Mr. Ramandeep Singh Bhangu, Superintendent, New District Jail, Nabha is taken on record along with custody warrant (Annexure R-2).

As per the allegations appearing on the record, police apprehended Kamal @ Kamal Krishan and petitioner Manjit Kaur when they were travelling on a motorcycle and 250 strips of TM-100 SR Tramadol

Hydrochloride tablets-IP 100 mg each containing 10 tablets were recovered from them.

The counsel for the petitioner *inter alia* submits that the petitioner who is falsely implicated in the present case is in custody for the last more than 1 year and 7 months and she is having no criminal history and is presently lodged in jail along with her 3 year old son and that the trial is not progressing ahead. So prayer is made for grant of regular bail to the petitioner. In support of his contention, the counsel for the petitioner has placed reliance upon order dated 18.11.2022 passed by Hon'ble Supreme Court in Crl Appeal No.2013 of 2022 Sabikul Kunahar @ Sabiku Nahar Mondal vs. State of West Bengal wherein 190 bottles of Phensedyl Syrup were recovered from the residence of the applicant and she was in custody since 6.2.2021 and having 5 years old infant who was also lodged with her in jail and in the given circumstances was granted bail.

The present petition is resisted by the State counsel, who submits that in the present case, commercial quantity of contraband was recovered from the petitioner and one Kamal @ Kamal Kishan and that petitioner is in custody for the last 1 year and 7 months and during trial, 4 witnesses are examined out of total 20 witnesses on behalf of the prosecution. However the Sate counsel has not disputed the fact that 3 years old son of the petitioner is also lodged in jail along with her.

I have considered the submissions made by counsel for the parties.

Admittedly the present case is relating to recovery of commercial quantity of contraband from petitioner and one Kamal @ Kamal Krishan and the petitioner is in custody since last more than 1 year and 7 months and is having no criminal history. Three year old child of the petitioner is also lodged in jail along with her as has been admitted by the Superintendent, New District Jail, Nabha in his short affidavit, which is furnished today. Even the State counsel has not disputed this fact. It will take considerable time for the trial to conclude as till date, prosecution is able to examine 4 witnesses out of total 20 witnesses. Admittedly minor son aged about 3 years is also suffering incarceration along with the petitioner.

In view of the above and the order passed by the Hon'ble Supreme Court in Sabikul Kunahar @ Sabiku Nahar Mondal's case (supra), this Court is of the view that petitioner is entitled to grant of regular bail.

Consequently, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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