

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-39306-2021

Date of Decision: 28.03.2023

NIRMAL KAUR @ NIMO

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Amit Arora, Advocate for
Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA J. (ORAL)

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 145 dated 08.07.2018 registered under Section 21, 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 473, 467, 468, 471, 411 IPC added later on) at Police Station Chheharta District Amritsar.

Learned State counsel has filed custody certificate of the petitioner, which is taken on record.

The brief facts of the facts are that while the police party was on patrolling duty, a car was seen coming and the driver of the said car tried to turn back the same but due to traffic on the road, the car stopped working and the police party was about to apprehend the driver but due to dark, the driver of the said car managed to flee from the spot and the petitioner who was sitting besides to the driver seat was apprehended and a recovery of 100 grams of heroin was effected from her while she threw the same, 1200 loose intoxicant tablets were recovered from the beneath of the driver seat.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. He contends that the petitioner has been in custody since long and the challan has already been presented and nothing is to be recovered from the petitioner. He further contends that except the present

case, one other case under NDPS Act, bearing FIR No.100, dated 17.04.2021 under Sections 21(b), 29, 61, 85 of NDPS Act is pending against the petitioner. The petitioner has not been declared a proclaimed offender by any Court of law. He therefore, contends that the petitioner deserves the concession of regular bail.

On the other hand, learned State Counsel on instructions from ASI Narinder Singh has opposed the aforesaid prayer. He however, admits that the investigation in the present case has been completed and the challan stands presented.

I have heard the learned counsel for the parties and gone through the entire case file and custody certificate filed by learned State counsel. The petitioner is in custody for the last more than 02 years. The investigation of the case has been completed and challan stands presented. The conclusion of the trial would take considerable time, no useful purpose would be served by keeping the petitioner in further incarcerated.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.03.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>