

S. No.218

2023:PHHC:117410

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33722 of 2023

Date of Decision:06.09.2023

Jaswant Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Randhawa, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present second petition filed under Section 439 Cr.P.C., prayer has been made by the petitioner for grant of regular bail in case FIR No.024 dated 01.04.2022 registered under Sections 21/29/61 of NDPS Act, 1985 at Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab.

As per allegations, 280 grams of heroine was recovered from the possession of petitioner and co-accused Nimmo. It is also alleged that they had thrown the transparent polythene bag from their purse.

It is contended by learned counsel that the petitioner has been falsely implicated; that she is not involved in any such criminal act; that the alleged recovered alleged quantity is little above than the commercial quantity; and that it is highly doubtful that the petitioner will carry the contraband in a transparent polythene. Still further, it is contended by learned counsel that petitioner is in custody for the last more than 01 year and 05 months and that out of 18 witnesses, only one has been examined so far.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel has placed on record the custody certificate revealing that petitioner is in custody since 01 year 05 months and 04 days and she has no other criminal case pending against her. Learned State counsel has not refuted the contention of learned counsel for the petitioner to the effect that recovered quantity is just above the commercial quantity and that she is not involved in any other case. It is also conceded that just one witness has been examined out of 18 witnesses cited by the prosecution.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed and the petitioner is admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

September 06, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No