

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

CRM-M-35840-2023

DECIDED ON: 2nd NOVEMBER, 2023

DARSHANA DEVI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tejinder Pal Singh Makkar, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.158, dated 30.06.2022, under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no offence as alleged against the petitioner has been committed by her. He further submits that there is non-compliance of the provisions of Section 50 of the NDPS Act. It is contended on behalf of the petitioner that out of total 14 prosecution witnesses only one has been examined after framing of charges on 09.12.2022.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that she has suffered incarceration for a period of 01 year and 4 months approximately. He opposes the prayer made in the present petition stating that there is recovery of 60 tablets of Etizolam, which falls under the commercial quantity. Though, he does not controvert the fact that after framing of charges on 09.12.2022 out of total 14 prosecution witnesses only one has

been examined till date.

4. From perusal of custody certificate, it is evident that the petitioner is having clean antecedents.
5. Considering the fact that the petitioner is 53 years old lady and has suffered incarceration of 1 year and 4 months added with the fact that trial is moving at the snail's pace as out of total 14 prosecution witnesses only one has been examined after framing of charges on 09.12.2022 so far, which curtails the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India.
6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. In the afore-said terms, the present petition is hereby allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

02th NOVEMBER, 2023
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(SANDEEP MOUDGIL)
JUDGE

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