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

227

CRM-M-36329-2023

Date of decision : 02.08.2023

Gurjeet Kaur @ Aman

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in FIR No.35 dated 18.06.2019, registered for offence under Section 21 of NDPS Act, 1985 (offence under Section 29 of NDPS Act, 1985 added later on), at Police Station Kacha Pacca, District Tarn Taran.

2. As per the allegations levelled in the FIR, recovery of 260 gms. of heroin was effected from a motorcycle being driven by one Guravtar Singh @ Kali. Petitioner is stated to be pillion rider. Recovery memo dated 18.06.2019 reads as under:-

“In the presence of the below mentioned witnesses from the possession of Guravtar Singh alias Kali above said one motorcycle Hero Honda Splendor from the diggi where the papers of motorcycle are used to kept one plastic bag containing 260 grams of heroin was got recovered

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and the same along with the plastic bag was kept in one plastic box and parcel was prepared which was sealed by me ASI with my stamp KS. Sample stamp was prepared separately. The parcel was taken into police custody vide separate memos. Stamp after used was handed over to HC Dilbag Singh 900. The recovered Motorcycle was taken into police custody vide separate memo. The recovery memo of heroin was prepared accordingly.”

3. A bare perusal thereof would reveal that the same is explicit in its content to the effect that the motorcycle was stated to be in possession of Guravtar Singh @ Kali.

4. Counsel for the petitioner relies upon order dated 20.08.2021 passed in **CRM-M-10529-2020**, whereby Guravtar Singh @ Kali stands admitted to bail.

5. Learned State counsel while opposing bail submits that the petitioner is habitual offender and has 02 more cases registered against her under NDPS Act.

6. Faced with the situation, counsel for the petitioner submits that the petitioner is on bail in both those matters.

7. Without commenting on the merits of the case, keeping in view the custody of the petitioner which is more than 04 years and the fact that the main accused already stands admitted to bail, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

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- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

02.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No