

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39439-2022

Date of Decision: 7.2.2023

Gurmeet Kaur alias Meeto

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.231 dated 17.11.2021 registered for the offences punishable under Sections 22 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Dharamkot, District Moga.

The allegations in nutshell are that the police officials while on patrolling duty, received secret information against the petitioner and her husband-Gurcharan Singh to the effect that they were dealing in intoxicating tablets and thereafter, the police apprehended the petitioner who was sitting on pillion seat of the motorcycle No.PB29-Z-8117 driven by her husband Gurcharan Singh and effected recovery of 1020 tablets of Alprazolam from a polythene bag which had fallen from the said motorcycle when it got skidded. Even the husband of the petitioner was also arrested at the spot.

Counsel for the petitioner *inter alia* contends that it is a matter of evidence as to whether any medical intoxicants were recovered from the conscious possession of the petitioner who was sitting on the pillion seat of the motorcycle driven by her husband. He further submits that the petitioner is in custody for the last more than 1 year and 2 months and it will take considerable time for the trial to conclude and that the petitioner is granted bail in other two cases faced by her under NDPS Act.

The present petition is opposed by the State counsel who submits that in the present case, commercial quantity of contraband was recovered from the possession of the petitioner and her husband while they were travelling on a motorcycle which was driven by her husband. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than one year and 2 months and the trial is not progressing ahead as till date, only one prosecution witness stands examined.

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

Admittedly, the petitioner was travelling on the pillion seat of the motorcycle which was driven by her husband and as per prosecution version, there are no specific allegations that the medical intoxicants were recovered from the polythene bag which was held or thrown by the petitioner. So, it is a matter of evidence as to whether the said recovery was effected from the conscious possession of the petitioner. Further, the petitioner is in custody for the last more than 1 year and 2 months and the trial is going on at a very slow pace as till date, only one prosecution witness out of total 21 has been examined by the prosecution.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 7, 2023
Paritosh Kumar

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