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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41619-2023 (O&M)

Date of decision: 29.09.2023

Pooja Rani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. Narender Singh Kamboj, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Status report dated 28.09.2023 and custody certificate dated 28.09.2023 have been tendered in course of hearing, which are taken on record. Copies thereof have been supplied to the learned counsel opposite.

2. After being declined bail by the trial Court, petitioner before this Court seeks her release as an undertrial a case bearing FIR No.81 dated 13.05.2023, registered under Section 304 IPC at Police Station, City Kotkapura, District Faridkot.

3. Per prosecution version, FIR was registered on the statement of Amandeep Kaur wife of Gagandeep Singh (deceased). She alleged that petitioner was instrumental in arranging a syringe which the deceased used to administer an intoxicant. The intoxicant was obtained from Pawan Kumar alias Langu-husband of the petitioner by paying Rs.1000/- to petitioner Pooja Rani. Several times complainant had asked petitioner as well as her accomplices to restrain them from supplying syringe/intoxicant material to Gagandeep Singh-deceased, but they did not pay any heed. Deceased, before his death, also disclosed that he had obtained the said syringe from co-accused Dr. Harpreet Singh and the contraband from husband of the petitioner, namely, Pawan Kumar alias Langu after making payment to the tune of Rs.1000/-. Petitioner Pooja Rani was arrested on 13.05.2023 during course of investigation whereas her husband accused Pawan Kumar was apprehended on 14.05.2023.

4. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

5. Case set up by the prosecution is that husband of the complainant died due to the overdose of an intoxicant, which was allegedly supplied by husband of the petitioner. However, there are no link established that the fact that Rs.1000/- were recovered from her, is the drug money *qua* the supply which was made by her husband, contends the counsel for petitioner.

5.1 Learned counsel for the petitioner would further contend that said allegation is completely presumptuous as there is no connection for carrying Rs.1000/- for supply of drugs. He further submits that husband of the petitioner is already in custody, whereas petitioner despite having been wrongly implicated unnecessarily continues to be in jail. While on the other hand, two minor children of the petitioner are left completely at the mercy of the relatives as both parents are in custody. There is no one to look after them. Petitioner has no criminal antecedents

5.2. He further submits that petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/ or influencing prosecution witnesses.

6. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence. In case, petitioner is granted concession of bail, there are chances of her fleeing from justice. He however, admits that no other case is pending against her.

7. On a Court query, under instructions from ASI Jaswant Singh, learned State counsel informs that challan was filed on 07.08.2023. Petitioner is not required for custodial interrogation. There are 16 prosecution witnesses and now the case is fixed for 07.10.2023.

8. Allegations against petitioner are a matter of trial at this stage. Conclusion of trial will still take long time, given the snail pace it is going on. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for more than 04½ months, being behind bars since

13.05.2023. She is being kept in preventive custody merely on an unfounded suspicion that if she is let out, she may either tamper with evidence and/ or influence witnesses.

9. Petitioner is stated to be 30-year old family person. She has already lost his livelihood due to prolonged incarceration and her family is living in sheer penury in her absence. Petitioner is not flight risk in any manner, given that she has a family to look after and has a fixed abode and clean antecedents.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on her furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of her bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

29.09.2023
vandana

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