

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46040-2022

Date of Decision: 10.01.2023

Harjinder Kaur @ Mango Bhua

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. K.S. Brar, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 09.01.2023 and reply dated 10.01.2023, by way of affidavit of Sh. Jasbir Singh, Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib, filed by learned counsel for the State in Court today, are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 80 dated 01.05.2022 registered under Sections 15, 21 and 22 of the NDPS Act and Sections 323 and 506 IPC at Police Station Kotbhai, District Sri Muktsar Sahib.

Brief facts of the case are that pursuant to the written complaint by Nirmal Singh, Sarpanch and Gram Panchayat of village Giljewala, police party raided the house of petitioner-Harjinder Kaur @

Mango. The petitioner along with her co-accused, namely, Jagseer Singh @ Mela and Jaswinder Singh @ Gora, have been arrested and from the possession of petitioner, 210 tablets of Calvidol-100 were recovered.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The contraband recovered from the petitioner and his co-accused falls under the category of 'non-commercial quantity'. Next date before the trial Court is 12.01.2023 for recording the statements of prosecution witnesses. The petitioner is in custody since 01.05.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely; Jagseer Singh @ Mela, has already been granted regular bail by the vide order dated 15.09.2022 (Annexure P-3). Therefore, the petitioner may be released on regular bail.

On the other land, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of contraband from the petitioner is an intermediate quantity, parity with co-accused, namely, Jagseer Singh @ Mela, who have already been granted regular bail by this Court vide order dated 15.09.2022 (Annexure P-3) and also the fact that conclusion of trial may take a long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Harjinder Kaur @ Mango Bhua, is ordered to be released on regular bail subject to her furnishing bail bonds and heavy surety to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if she is found involved in any other criminal activity during the period of bail.

January 10, 2023
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(ASHOK KUMAR VERMA)
JUDGE

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