

2023:PHHC:119109

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-44128-2023
Date of Decision: 12th September, 2023

Jaswinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.G.S. Sandhu, Advocate for the petitioner.
Ms. Navreet K. Barnala, AAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
082	8.5.2023	Lambi, District Sri Muktsar Sahib	15 (B) and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985

2. Learned counsel for the petitioner claims parity with co-accused Pargat Singh who was granted regular bail by this court on 13.7.2023 in CRM-M-32561-2023.

3. On 13.7.2023, the following order was passed :-

“1. This petition is filed seeking regular bail in case of FIR No.082 dated 08.05.2023, under Sections 15(B) and 27 of Narcotic Drugs and Psychotropic Substances Act, 1958, registered at Police Station Lambi, District Sri Muktsar Sahib.

2. As per the case set up by the prosecution, on 08.05.2023 the police party apprehended the petitioner-Pargat Singh alongwith coaccused Jaswinder Kaur while travelling in a car bearing registration No.PB-29G-7013 and recovered 07 kilograms of poppy husk.

3. Learned counsel for the petitioner submits that the recovery from the petitioner is of non-commercial quantity and he is in custody since 08.05.2023; investigation is complete and no further recovery is to be made from the petitioner.

4. Learned State counsel opposes the prayer and submits that petitioner is involved in two more cases under NDPS Act albeit, he is on bail in those cases. He on instructions from ASI Baaj Singh, submits that challan qua the petitioner stands presented.

5. Without commenting on the merits of the case and considering that contraband recovered from the petitioner is of non-commercial quantity, though the investigation is complete conclusion of trial is likely to take time, petitioner is on bail in other two cases registered under NDPS Act, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7 Since the main case has been decided, the pending application(s), if any, is rendered infructuous.”

4. Learned counsel for the State though opposes the prayer for grant of bail, she is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and that conclusion of trial is likely to take time, the petitioner

is granted bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.
7. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

12th September, 2023
anuradha

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