

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-46809-2022 (O&M)

Date of decision: 08.02.2023

SAPNA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.50 dated 23.08.2022, under Sections 21(a), 22 of NDPS Act, subsequently Sections 29 and 27(A) of NDPS Act added later on registered at Police Station Dorangla, District Gurdaspur.

Learned counsel contends that the petitioner is in custody since 28.08.2022. The alleged recovery from her is of non-commercial quantity of contraband as per the Schedule of the NDPS Act. Challan has been presented on 09.01.2023 and charges are yet to be framed. In all, there are 10 prosecution witnesses.

Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot and the contraband was recovered from her. However, he is unable to controvert the submissions made by learned counsel for the petitioner and the stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 28.08.2022; recovery affected from her is non-commercial, therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; challan was presented on 09.01.2023, however, charges are yet to be framed; in all, there are 10 prosecution witnesses, the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

It is made clear that in case there is any breach of the aforesaid

conditions and in case the petitioner commits similar offence in future, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 08, 2023

M.Kamra

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