

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-47826-2022 (O&M)
Date of decision: 03.02.2023

RANJIT KAUR @ GINDO

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.P. Dhir, 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.137 dated 08.07.2022, under Sections 21/29/61/85 of NDPS Act, registered at Police Station Tibba District Ludhiana.

Learned counsel contends that the petitioner, who is a lady, is in custody since 08.07.2022. The recovery of 250 grams of heroin was effected from the pocket of the petitioner, which is non-commercial quantity. While effecting recovery the procedure as envisaged under the NDPS Act was not followed. She is not involved in any other case. Though, the challan was presented on 17.10.2022, however, charges have not yet been framed.

Learned State counsel opposes the bail on the ground that there were 3 persons including the petitioner, who were walking together at the time of delivery of contraband at a particular place when they were apprehended and 250

grams of heroin from each one of them was recovered from their respective pockets, which was taken into possession vide separate recovery memos. However, he is unable to controvert the submissions made by learned counsel for the petitioner regarding status of the trial and that she is not involved in any other case under the NDPS Act.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 08.07.2022; she is not involved in any other case; challan was presented in this case on 17.10.2022, however, charges have not been framed, 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 abundantly 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 03, 2023

M.Kamra/S.Sharma(syr)

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