

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-48089-2023 (O&M)
Date of decision: 03.11.2023

Anjali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

VIKAS SURI, J.

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.50 dated 25.07.2023, under Sections 21(b), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Behrampur, District Gurdaspur.
2. At the very outset, learned State counsel has filed the custody certificate dated 02.11.2023 in Court today. The same is taken on record. A copy thereof furnished to learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the present FIR has been lodged on the basis of secret information and 06 gms of

heroin along with drug money of Rs.2200/- is alleged to have been recovered from her. It is submitted that the alleged recovery of 06 gms of heroin is marginally over small quantity by 01 gm. The petitioner is a young lady of 34 years of age and responsible for raising her minor children. It is further submitted that her three children are below the age of 15 years. The petitioner has been in custody since 26.07.2023 and the recovery already stands effected from her. It is further submitted that petitioner is a lady; she is in custody for the last 03 months and 09 days and has already been granted the concession of bail in case FIR No.69 dated 11.07.2020, under Sections 22(c) and 29 of NDPS Act, registered at Police Station Behrampur, District Gurdaspur. The challan has not been presented till date, awaiting report of FSL, the sample of which was deposited on 31.07.2023. It is further submitted that the husband of the petitioner is also in custody and there is no responsible family member to look after the minor children. The petitioner is already on bail in another case which finds mention in the custody certificate. Apart from that, the petitioner was released on probation in a case registered on 03.06.2020 under the Excise Act.

4. *Per contra*, Learned State counsel has opposed the bail. However, the factual aspects of the case are not disputed.

5. After hearing learned counsel for the parties, without commenting on the merits of the case and considering the aforesaid facts & circumstances of the case particularly the fact that the petitioner has responsibility to look after three minor children who concededly are under the age of 15 years, the present petition is allowed. The petitioner

is ordered to be released on regular bail during the pendency of trial, on execution of adequate personal bonds and surety to the satisfaction of the concerned Area Magistrate/Trial Court/Duty Magistrate, if not required in any other case.

6. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly.
7. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

November 03, 2023
sumit.k

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No