

(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60606-2022 (O&M)

Date of Decision: 14.03.2023

PARAMJIT KAUR @ PAMMI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Arora, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.47 dated 04.06.2022 (Annexure P-1) registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 29 of NDPS Act added later on) at Police Station Ghall Khurd, District Ferozepur.

2. The brief facts of the case are that the FIR came to be registered on the basis of secret information that Sandeep Singh alias Soni son of Jasbir Singh and Paramjeet Kaur @ Pammi (petitioner) wife of Jasbir Singh were in the habit of selling of intoxicating tablets and could be apprehended that day if a picket was laid at an appropriate place. Based on the said information, a picket was laid and the petitioner was arrested. On his arrest, recovery of 840 intoxicating tablets of Lomotil having batch No.03L21050 and 240 intoxicating tablets of Lomotil having batch No.03L21056 (total 1080

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tablets) were recovered from the pocket of the trouser worn by him along with Rs.45,000/-.

3. The learned counsel for the petitioner contends that no recovery whatsoever has been recovered from her conscious possession. Even as per the prosecution case, the recovery was effected from the pocket of her co-accused as is evident from the recovery memo (Annexure P-2). Since the petitioner was in custody since 04.06.2022 and none of the 17 prosecution witnesses had been examined so far, she was entitled to the grant of bail, moreso, when she was a first-time offender.

4. A reply dated 14.03.2023 by way of an affidavit of Sandeep Singh, Deputy Superintendent of Police (Rural) Ferozepur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that secret information received was regarding both the accused bringing the contraband in question. Therefore, the petitioner cannot be said to be innocent. He however, admits the fact that the recovery has been made from the pocket of Sandeep Singh @ Soni, the co-accused of the petitioner who also happens to be her son.

5. I have heard the learned counsel for the parties.

6. Whether or not the petitioner was in conscious possession of the contraband purportedly recovered from her co-accused would be a matter of adjudication during Trial. Admittedly, the petitioner is a first-time offender. She is stated to be in custody since 04.06.2022 and none of the 17 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is not required, moreso, she is a lady.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Paramjit Kaur @ Pammi wife of Jasbir Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that she is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.03.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No