

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58767-2023

Date of Decision: 28.11.2023

Gurpreet Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.78 dated 18.08.2023, registered under Sections 22 of NDPS Act (Section 29 of NDPS Act added later on), at Police Station Badhni Kalan, District Moga.

2. As per case of the prosecution, two accused, namely, Dilbagh Singh @ Labha and Jagpal Singh @ Jagga were arrested and 50 Etizolam tablets each were recovered from them, which is a commercial quantity, as per the provisions of NDPS Act.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused in police custody. Learned counsel further contends that the petitioner was arrested in the present case on 18.08.2023 and was not involved in any other case under the NDPS Act. He also contends that the present FIR was registered on the basis of the statement

made by ASI Pritam Singh, who was himself involved in a case under the Prevention of Corruption Act. Learned counsel further contends that in the present case, challan has already been presented and the charges are yet to be framed against the petitioner, by the trial Court. Thus, the custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner. He further submits that the recovery of contraband from the co-accused was “commercial in nature” and the petitioner is not entitled to grant the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 18.08.2023 and is in custody for the last more than 3 months. Even otherwise, no recovery was effected from her and her case is clearly distinguishable from the case of her co-accused, namely Dilbagh Singh @ Labha and Jagpal Singh @ Jagga. Even the conclusion of the trial may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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