

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

230/1

**2024:PHHC:050391
CRM-M-989-2024
Date of decision: April 15, 2024**

RAJBIR KAUR @ RAJINDER @ BIRI
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Mr. R.S. Thind, Deputy Advocate General, Punjab.

ALOK JAIN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.161 dated 06.10.2023 for offences under Section 18 and 29 of the NDPS Act, 1985, registered at Police Station GRP, District Ludhiana.
2. Learned counsel for the petitioner submits that entire allegations in the FIR are false and the petitioner along with her husband have been falsely implicated in the present FIR. The main recovery alleged to have been made is also non-commercial in nature. He submits that the petitioner has been in custody for more than 6 months.
3. *Per contra*, learned State counsel has vehemently opposed the prayer for grant of concession of regular bail to the petitioner. He submits that the petitioner was found in conscious possession of the contraband. However, he could not deny the fact that there are no antecedents of the petitioner under the NDPS Act and the recovery effected from her is also non-commercial in nature.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the light of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. She shall, however, be released on the following conditions:

- ❖ The petitioner shall declare her ordinary place of residence and the mobile number used by her.
- ❖ She will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in her absence.
- ❖ She will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark her presence, she is permitted to make an application before the Illaqa Magistrate, concerned.
- ❖ She will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also.

7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

April 15, 2024
Jaspreet Kaur

(ALOK JAIN)
JUDGE

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