

213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1584 of 2024 (O&M)

Date of decision : 19.01.2024

Balwinder Kaur @ Pammi

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Vedant Setia, Advocate for
Mr. Adarshdeep Singh, Advocate
for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.74 dated 15.06.2021 registered under Sections 22 (c)/29/61/85 of NDPS Act at Police Station Sadar Malout, District Sri Muktsar Sahib, Punjab.

2 The petitioner in the present case was nominated on the basis of disclosure made by co-accused Gurpreet Singh @ Gopi who stands convicted.

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner submits that the petitioner is in custody since 29.06.2023 and by now her custody is more than 6 months and 20 days and has no past criminal antecedents. Apart from the said disclosure, there is no recovery attributable to the present petitioner. So far as her nomination by the co-accused is concerned, the same alone is a weak piece of evidence in terms of law laid down in ***Tofan Singh Vs. State of***

Tamil Nadu, (2021) 4 SCC 1 and would not be sufficient to drive home guilt against her.

5 Learned State counsel on instructions from ASI Amrik Singh is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Keeping in view the incarceration suffered by the petitioner, nature of evidence and the dictum of law laid down in Tofan Singh's (supra), the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) *The petitioner shall not mis-use the liberty granted.*
- (ii) *The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) *The petitioner shall not absent himself on any date before the trial.*
- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) *The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) *The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

19.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No