



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

210

**CRM-M No.2163 of 2024
Date of decision : 16.7.2024**

Asha Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.183 dated 7.10.2023, under Sections 21 (b), 21, 27-A and 29 of the NDPS Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She has no connection with the present FIR. She has already been either acquitted or undergone the sentence in other cases except one.

3. Notice of motion.

4. On the asking of Court, Mr. J.S. Rattu, DAG, Punjab, accepts notice on behalf of the respondent-State, who has produced the custody certificate, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last more 9 months and 6 days. He submits that there are several other cases of similar nature, one of which is pending, and in 5 cases she has been convicted. He has opposed the



prayer made in the present petition.

5. Be that as it may, having given considerable thought including the fact that the petitioner has already completed incarceration of 9 months and 6 days and has acquitted in 3 cases and in 5 cases already undergone the sentence. The challan was presented on 21.3.2024, charges were framed on 1.2.2024 and none has been examined out of 12 prosecution witnesses so far which is sufficient to convince the Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars.

6. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate,

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concerned.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.7.2024
Ashwani

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