

[214] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5433-2023

Date of Decision : 08.01.2024

Parkash Kaur @ Kallo

...Petitioner

versus

State of Punjab

....Respondent

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. H.S. Batth, Advocate for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.189 dated 01.07.2021 under Sections 22 of the NDPS Act registered at Police Station Kotwali, Kapurthala, District Kapurthala.

[2] As per prosecution allegations, 300 grams of contraband containing the salt of Alprazolam was recovered from the possession of the petitioner, which she had kept in a bag, which she threw at the time of her apprehension.

[3] It is contended by the learned counsel for the petitioner that the petitioner has been falsely implicated in the case; that she is in custody from the last more than 01 year 07 months; that petitioner is a woman and trial will take time to conclude and in all these circumstances, she be granted bail.

[4] Learned State Counsel opposed the bail petition by pointing out towards the commercial quantity of the contraband recovered from the petitioner. However, learned State Counsel concedes the fact that the petitioner is in custody for the last 01 year, 07 months and 14 days as per the

witnesses cited by the prosecution, only 02 witnesses have been examined so far.

[5] Learned State Counsel also pointed out that the petitioner is involved in 03 more cases as per the custody certificate, including 02 cases pertaining to the NDPS Act.

[6] Heard.

[7] Having regard to the long incarceration in custody of the petitioner, who is a woman and the trial is not likely to be concluded early, but without commenting anything further on the merits of the case, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for fundamental right of life and liberty, of which, speedy trial is one of the facet. As such, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

08.01.2024
'Rajneesh'

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