

**235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.9454 of 2024 (O&M)****Date of decision : 06.03.2024**

Baljeet Kaur @ Baljit Kaur

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******Present :- Mr. Vivek K.Thakur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, 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.191 dated 21.09.2023 registered under Sections 15/21 of NDPS Act at Police Station Sidwan Bet, Ludhiana Rural, Punjab.

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

3 Learned counsel for the petitioner relies upon order dated 04.01.2024 passed in CRM-M-63185-2023, whereby co-accused Krishna Kaur has been granted regular bail observing as under :-

“ 3. As per the case of prosecution on receiving secret information against Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu, Dharminder Singh and Baljit Kaur regarding indulging in the selling of narcotic and psychotropic substances, their house was raided. From the search of the house 255 grams of heroin and 60 kgs. of poppy husk were recovered in the presence of Baljit Kaur wife of Jaswinder Singh @ Shinda who has been arraigned as main accused.

Present petitioner happens to be the mother-in-law of the main accused Baljit Kaur and mother of Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu and Dharminder Singh. Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu and Dharminder Singh all admittedly have been granted concession of pre-arrest bail. Petitioner is behind bars for more than 3 months and 12 days. There is no allegation of recovery of any contraband qua her and she has no criminal antecedents.

4. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

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

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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 herself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit her passport, if any with the trial Court.

(vi) The petitioner shall give her cellphone number to the police authorities and shall not change her cellphone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.”

4 Learned counsel for the petitioner states that the petitioner has been in custody since 21.09.2023.

5 Learned State counsel on instructions from Investigating Officer 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 Without commenting on the merits of the case by granting parity with co-accused-Krishna Kaur and considering the incarceration suffered by the petitioner, 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.

06.03.2024
Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No