

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11167-2024
DECIDED ON: 07.03.2024

KARAMJEET KAUR ALIAS KAURI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhwinder S. Dhillon, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.31, dated 02.03.2023 (Annexure P-1), under Sections 22/27 of NDPS Act, 1985 and Section 182, 192 of MV Act, registered at Police Station Kabarwala, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner contends that the recovered contraband i.e. 10 tablets of Etizolam, 0.5 mg is non-commercial in nature and co-accused of the petitioner namely Sagarpreet Singh @ Sagar has been granted the concession of regular bail by this Court vide order dated 06.02.2024, passed in CRM-M-46426-2023 (Annexure P-3).
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record.

He seeks dismissal of the instant petition on the ground that the total

recovery of contraband is 13 tablets of Etizolam, however, he could not dispute the fact that 10 tablets of Etizolam was recovered from the present petitioner. He further submits that the petitioner is involved in one more case.

4. Be that as it may, looking into the totality of facts and circumstances including the custody period suffered by the petitioner i.e. 01 year and 4 days till now and the fact that co-accused of the petitioner namely Sagarpreet Singh @ Sagar has been granted the concession of regular bail by this Court vide order dated 06.02.2024, passed in CRM-M-46426-2023 (Annexure P-3) and the fact that the quantity recovered from the present petitioner is non-commercial in nature added with the fact that out of total 14 prosecution witnesses, only one has been examined till date after framing of charges on 28.09.2023, which is sufficient enough to infer that conclusion of trial will take a long time, for which the petitioner cannot be detained behind the bars for an indefinite period.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

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 the light of above, 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, concerned.
8. In the afore-said terms, the present petition is hereby allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.03.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No