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

CRM M-14165-2023 (O&M)

Date of Decision: 22.04.2024

Paramjit Kaur @ Babbo

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab
assisted by ASI Gurmej Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.297 dated 29.10.2022 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “Act”), at Police Station, Sultanpur Lodhi, District Kapurthala.

2. This Court, on 20.07.2023, granted interim bail to the petitioner and the order reads as under:-

“Contends that as per allegations of the prosecution itself, recovery was effected from the house of petitioner at 12:30 AM; but there is no compliance of Section 42 of the NDPS Act. Further contends that at the time of alleged recovery, no offer had been made to the petitioner under Section 50 of the NDPS Act for conducting search in the presence of any Gazetted Officer or Magistrate.

Faced with the above situation, learned State Counsel seeks time to have instructions in the matter.

Posted for 12.09.2023.

As petitioner is in custody since 29.10.2022, therefore, till the next date of hearing, petitioner be released on interim bail in

the present case on her furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

3. Learned counsel contends that there is non-compliance of Section 42 of the Act. Also contends that no offer was made to the petitioner in terms of Section 50 of the Act. Further contends that in pursuance of order dated 20.07.2023, petitioner was released on interim bail and since then, she is regularly appearing before the learned Special Court.

4. Learned State counsel, upon instructions, has fairly acknowledged that petitioner is regularly appearing before learned Special Court and there is no misuse of the concession already granted to her; nor there is any apprehension that she is likely to hamper the trial in any manner.

5. Heard learned counsel for the parties and perused the paper book.

6. Concededly petitioner was granted interim bail on 20.07.2023 and she is regularly appearing before learned Special Court. There is no allegation that she is likely to misuse the concession of bail or hamper the proceedings in any manner, in case her interim bail is made absolute; thus, sending the petitioner to custody, at this stage, would not serve any purpose.

7. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 20.07.2023, is made absolute. She shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

9. The above observations be not construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail

on the part of the petitioner, State of Punjab would be at liberty to move an

appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before learned Special Court shall be construed as misuse of the concession.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

22.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No