

MANJIT KAUR

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Bhupinder K. Bhangu, Advocate for the petitioner.
Mr. Kewal Singh, Addl. A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 of CrPC, prayer has been for quashing of the order dated 12.02.2024 passed by the Court of learned Judge, Special Court, Kapurthala whereby, son of the petitioner was granted concession of interim bail subject to furnishing of personal bonds to the tune of Rs.50,000/- with two sureties i.e. one surety in the like amount and one cash surety amounting to Rs.2,00,000/- with a condition that the petitioner will surrender before the Court positively in case, the contents of salt of intoxicant tablets fall under the category of commercial in nature.

2. Learned counsel for the petitioner submits that petitioner is the mother of accused namely, Sukhchain Singh who is a young boy of 21 years of age and is working as a labourer and thus the conditions imposed vide order dated 12.02.2024 by the learned Judge, Special Court, Kapurthala are onerous and in fact result in denial of benefit of bail in favour of son of the petitioner, accordingly, the same needs to be modified.

3. On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that son of the petitioner is

involved in an offence relating to the provisions of NDPS Act and thus, in order to secure his presence before the Court concerned during the trial, the conditions imposed vide impugned order warrant no interference.

4. I have heard learned counsel for the parties and gone through the paper-book.

5. A perusal of the record shows that petitioner as well as her son who has been arrayed as an accused in FIR No.0249 dated 19.12.2023 registered under Sections 22, 29, 61 and 85 of NDPS Act at P.S. Sultanpur Lodhi, District Kapurthala are not having sufficient means to fulfill the conditions imposed vide order dated 12.02.2024 by the learned Judge, Special Court, Kapurthala. The son of petitioner is a young boy of 21 years of age and petitioner herself happens to be a labourer, as such conditions imposed vide impugned order are highly excessive for them which may result in denial of benefit of bail in favour of son of petitioner. Reliance in this regard can also be made to the judgment passed by the Hon'ble Supreme Court in case of “**Guddan @ Roop Narayan Vs. State of Rajasthan 2023(1) RCR (Criminal) 762**”. Accordingly, in the facts and circumstances of the present case, the conditions imposed vide impugned order are modified to the extent that son of the petitioner shall furnish personal bonds to the tune of Rs.50,000/- with one surety in the like amount with a condition that he will surrender before the Court positively if contents of salt of tablets fall under the category of commercial quantity.

03.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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

