



Sr. No. 202

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

**CRM-16063-2024 IN/AND
CRM-M-15809-2024 (O&M)
Date of decision : 20.09.2024**

Raj Kaur @ Raj @ Rajni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.S. Sekhon, Advocate for the petitioner.
Mr. T.P.S. Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.**CRM-16063-2024**

Application under Section 482 of Cr.P.C. for placing on record A-1 and further exempting petitioner from filing the certified/typed copy of the same.

For the reasons mentioned in the application, same is allowed as prayed for subject to all just exceptions. A-1 is taken on record. Registry to tag the same at appropriate place.

Main case

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.303 dated 29.11.2022, under Sections 15 & 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at PS Sadar Nabha, District Patiala.



2. Allegations are that on the basis of secret information, petitioner was apprehended along with 07 kilograms poppy husk.

3. Learned counsel for the petitioner contends that alleged recovery against petitioner is 07 kilograms poppy husk which is non-commercial quantity and there is no other criminal case pending against her. Further contends that petitioner is in custody since 29.11.2022 and, trial is likely to take long time to conclude.

4. Learned State counsel is not able to dispute the above factual position.

5. Heard both sides and perused the paper-book.

6. There is no quarrel that recovery alleged against the petitioner is non-commercial in nature. Petitioner is in custody since 29.11.2022; charges were framed on 13.03.2023; but out of total 13 PWs, only 03 have been examined till date. Thus, trial is likely to take sufficient long time and as such, further incarceration of the petitioner would not serve any purpose.

7. In such a scenario, this Court deems it appropriate to allow the present petition. So ordered.

8. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. She shall appear on each & every date of hearing and shall fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).



10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.

11. It is clarified that if there is any recurrence or misuse of concession on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

20.09.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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