

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232	CRM M-17639 of 2024
	Date of Decision:16.04.2024
Rani Kaur	...Petitioner
	Versus
State of Punjab	... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. J.K. Singla, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.249 dated 16.11.2023 registered under Sections 22 and 29 of NDPS Act at Police Station Bhikhi, District Mansa.
2. Learned counsel for the petitioner contends that even though the petitioner has been named in the present case, but no recovery was effected from her. He further contends that even from co-accused Amrik Singh, 70 tablets of Tramatrast have been recovered and the co-accused has been granted the concession of interim bail by the trial Court vide order dated 27.12.2023 (Annexure P-3). Learned counsel further contends that even the petitioner was not present at the spot and her name surfaced in the statement, which was allegedly suffered by co-accused in the police custody. Learned counsel further contends that the petitioner was arrested in the present

case on 04.03.2024 and is in custody since then. As per learned counsel, 04 more cases were ordered to be registered against the present petitioner, but the petitioner has been acquitted in two cases and in one case, he has been granted the concession of bail. He further contends that in the 04th case, the petitioner has been wrongly convicted by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that she is a habitual offender and does not deserve the concession of bail by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, admittedly, no recovery had taken place from the present petitioner and 70 tablets of Tramatrast (Tramadol) were recovered from Amrik Singh, co-accused of the petitioner and Amrik Singh has already been granted the concession of interim bail by the trial Court vide annexure P-3. Thus, no meaningful purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

16.04.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No