

S. No.224

2024:PHHC:023230

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

CRM-M-23117 of 2023

Date of Decision:20.02.2024

Amarjit Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Babandeep Singh, PPS, Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala has been filed on behalf of the respondent- State, along with the custody certificate.

In compliance of the order dated 08.12.2023, status report has also been received from the trial Court concerned.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.208 dated 22.08.2022 registered under Sections 21(c)/61/85 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Sultanpur Lodhi, District Kapurthala.

This is second petition for this purpose. The earlier petition bearing No.CRM-M-2372 of 2023 was dismissed as withdrawn on 20.01.2023.

As per allegations, 270 grams of heroin was recovered from possession of the petitioner on 22.08.2022.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that petitioner is a woman and is in custody for the last approximately 01 year and 06 months; that the trial may take long time to

conclude; that recovered quantity of contraband is marginally higher than the commercial category, so in all these circumstances, she be allowed bail.

As per the status report received from the trial Court, charges were framed on 12.02.2024 and case is fixed for 27.02.2024 for prosecution evidence.

As informed by learned State Counsel, there are 31 prosecution witnesses but not even a single witness has been examined till date. It is thus clear that trial is likely to take long time to conclude. At the same time, learned State Counsel opposed the petition by pointing out towards the criminal antecedents of the petitioner, who is involved in two more cases under the NDPS Act though she is on bail in both the cases.

No doubt, petitioner has bad criminal antecedents as she is involved in two more cases, however, the Court cannot ignore the fact that the petitioner is a woman and she is in custody for the last 01 year 05 month and 28 days, as per the custody certificate and not even a single witness has been examined out of 31 witnesses cited by the prosecution, therefore, it is very likely that conclusion of trial will take long time; and that the recovered contraband from the petitioner is marginally higher than the commercial quantity.

Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 20, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No