

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

CRM-M No.25040 of 2023 (O&M)

Date of decision : 02.04.2024

Manjit Kaur

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. S.S.Thakur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.182 dated 17.09.2022 registered under Sections 21/61/85 NDPS Act, at Police Station Mahilpur, District Hoshiarpur.

2 Learned counsel for the petitioner submits that the petitioner was working as a servant in the house from where 1.5 kg heroin was recovered along with an amount of Rs.5.00 lakhs which is alleged to be drug money.

3 Custody certificate has been filed. The same is taken on record.

4 Learned counsel for the petitioner refers to order dated 12.01.2024 passed in **CRM-M-11589-2023** whereby Ravinder Kaur, daughter-in-law of the main accused stands admitted to bail. He further submits that as per prosecution, recovery was made from the house. The

petitioner being merely a servant cannot be attributed possession of the contraband. The petitioner has clean antecedents thus she will be entitled for grant of regular bail.

5 Learned State counsel however opposes the bail plea submitting that the contraband was recovered on the disclosure made by the present petitioner only from the wall of the house.

6 Learned counsel for the petitioner joins issue thereon and submits that obviously the petitioner being servant can be said to be aware of the actions of her employer but cannot be said to be an accomplice.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that the investigation already stands concluded and almost all the witnesses are official and the petitioner has clean antecedents, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

02.04.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No