

CRM-M-25107-2023

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

CRM-M-25107-2023
Decided on:-05.02.2024

Jaswinder Kaur @ RaniPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.S. Sekhon, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.165, dated 14.09.2021 registered under Sections 21 and 29 of the NDPS Act, 1985, at Police Station Kot Ise Khan, District Moga.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for the alleged recovery of 300 grams of 'heroin'.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the antecedents of petitioner, who is involved in 05 other cases of NDPS Act.
4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.
5. In the present case, petitioner has already suffered incarceration

for a period of more than 2 years & 03 months, whereas, the investigation stands concluded with filing of challan followed by framing of charges and trial is likely to take some time as only two witnesses have been examined out of total 13 witnesses cited by the prosecution. The trial is languishing for the past sometime apparently violating the right of the petitioner as that of speedy trial, specified under Article 21 of the Constitution of India.

As regards, 05 other FIRs, which were registered against the petitioner, out of which few resulted into conviction pertaining to non-commercial quantity. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

05.02.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No