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

**CRM-M-27545-2024
DATE OF DECISION: 31.05.2024**

SUKHWINDER KAUR ALIAS RENU ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Khaira, Advocate for the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 64, dated 21.07.2023, under Sections 22/25/61/85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jodhan, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner has been nominated as an accused merely being wife of main accused-Sukhwinder Singh @ Sukhi from whom alleged 1018 intoxicant tablets have been recovered and she was a pillion rider on the motorcycle which was being driven by Sukhwinder Singh. The alleged recovery is a planted one and the petitioner has suffered incarceration for a period of 7 months and 17 days.



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3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind the bars for last 7 months and 17 days who is not involved in any other case. He informs the Court that charges have been framed on 11.12.2023 and out of total 8 witnesses, only 2 have been examined.

4. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody i.e. 7 months and 17 days, the petitioner is not a habitual offender as no case is pending against her and the recovery has been effected from her husband who was driving the vehicle and the fact that the petitioner was sitting on the motorcycle as a pillion rider, this Court finds no reason to deny the petitioner concession of bail.

5. Further, as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 8 prosecution witnesses, only two have been examined and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgement of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another;***, (2018) 3 SCC 22".



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6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>