



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

Sr. No.227

**CRM-M-27016-2024**

**Date of decision : 30.09.2024**

**TRIPTA DEVI ALIAS PREETI**

..... Petitioner

**VERSUS**

**STATE OF PUNJAB**

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Karajveer Singh, Advocate for  
Mr. Piyush Khanna, Advocate for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

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**KIRTI SINGH, J. (Oral)**

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.176 dated 28.09.2023, under Sections 22/29/61/85 of NDPS Act, registered at Police Station Garhshankar, District Hoshiarpur.

2. The brief facts of the case are that on 28.09.2023, on the basis of secret information, some persons were apprehended selling intoxicant injections and several recoveries were effected from them.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and she is not named in the FIR and her name surfaced on the basis of disclosure statement of co-accused- Nimmo. The petitioner has already undergone an actual custody of 05 months and 21 days and she has clean antecedents. It is also submitted that main co-accused has been granted regular bail by the Judge Special Court, Hoshiarpur, vide order dated 06.11.2023 bearing No.BA-3046-2023 and co-accused(s) have been granted benefit of anticipatory bail by this



2023, CRM-M-1559-2024 and order dated 04.03.2024 in CRM-M-62898-2023.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel has filed the custody certificate in Court today, which is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 21 days and she is not involved in any other case under NDPS Act. He further on instructions submits that the charges are yet to be framed and out of 16 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone actual custody of 05 months and 21 days and she is not involved in any other case under NDPS Act. The charges are yet to be framed and out of 16 prosecution witnesses, none has been examined till date and main co-accused has been granted regular bail by the Judge Special Court, Hoshiarpur, vide order dated 06.11.2023 bearing No.BA-3046-2023 and co-accused(s) have been granted anticipatory bail by this Court vide order dated 12.02.2024 in CRM-M-60809-2023 , CRM-M-65121-2023, CRM-M-1559-2024 and dated 04.03.2024 in CRM-M-62898-2023. The conclusion of the trial will take a considerable time and therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.



7. 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 learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.
- (V) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

**(KIRTI SINGH)**  
**JUDGE**

**30.09.2024**

Kavita

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No