

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32850-2023 (O&M)
Date of Decision:- 18.01.2024

Jarnail Kaur @ Jello @ Jailo ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Sanish Girdhar, AAG, Punjab,
assisted by HC Jaspal.

FIR NO.	DATE	POLICE STATION	OFFENCES
31	21.5.2022	Jodhan District Ludhiana (Rural)	22 and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. Reply by way of affidavit of Mr. Vijay Kumar, Superintendent Women Jail, Ludhiana has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.
3. The allegations, in nutshell are that the petitioner was found in possession of 1800 tablets containing ‘Tramadol’ and another 1800

tablets containing 'Alprazolam', both of which would attract offence punishable under the NDPS Act.

4. Learned counsel for the petitioner submits that the petitioner is an aged lady and has been falsely implicated along with both of her sons, one of whom has already expired in custody. Learned counsel submits that since the trial is proceeding at snail's pace, further detention of the petitioner who does not even keep well, would not be justified.
5. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband, the fetters imposed by Section 37 of NDPS Act would be attracted. Learned State counsel while referring to medical report dated 17.1.2024 (Annexure R-1) has pointed out that although the petitioner did complain of headache etc. and was found to be having high blood pressure, but the same has been managed after the petitioner was taken to hospital. Learned State counsel has informed that the petitioner happens to be involved in one more case under the NDPS Act. Learned State counsel has further informed that as on date 4 out of cited 18 PWs have been examined.
6. Learned counsel for the petitioner has however, clarified that the said other case pertains to the year 2013 in respect to a non-commercial quantity of contraband, which was disposed of in the year 2014 upon the petitioner having confessed her guilt.
7. This Court has considered the rival submissions.

8. Without commenting anything as regards the merits of the case, but having regard to the fact that the petitioner is a lady and is of an advanced stage of more than 70 years, further detention of the petitioner would not be justified particularly when conclusion of trial is likely to consume time inasmuch only 4 out of cited 18 PWs have been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.01.2024

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No