

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 47991 of 2023 (O&M)
Date of Decision: 02.04.2024

Gurmail Kaur alias Melo

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Siddharath Sandhu, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.199 dated 04.11.2022, under Sections 22 & 29 of NDPS Act, 1985, registered at Police Station Bhikhi, District Mansa, wherein she alongwith co-accused-Rani Kaur has been implicated against the alleged recovery of 1200 Alprazolam tablets IP 0.5 (Alpranof 0.5), Batch No. V2246403; 200 Alprazolam tables IP 0.5 MG (Alprasafe 0.5), Batch No. PCCAA1030 and 200 Tramadol Prolonged release tablets IP Tramwal SR 100.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the huge recovery in the present case as well as the involvement of the petitioner in one more case under the NDPS Act, involving 10 kg. of poppy husk.

[3] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner, especially when in the same FIR, the other co-accused-Rani Kaur has already been granted the concession of regular bail by this Court vide order dated 14.09.2023 passed in CRM-M-44895-2023, titled "*Rani Kaur Versus State of Punjab*". The petitioner is already behind the bars since 04.11.2022, i.e. for the past more than one year and four months; the investigation already stands concluded with the filing of challan followed by framing of charges on 16.02.2023; however, for the past about one year and one month, none of the prosecution witness has been examined out of total 10 prosecution witnesses; though the petitioner is allegedly involved in one more case involving 10 kgs. of poppy husk, she has already been granted the concession of regular bail. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[4] In view of the above, but 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 Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[5] It may be noted here that as a matter of record, the charges in the present case stood framed on 16.02.2023; however, since that date, none of the prosecution witness has been examined so far; all the witnesses being officials have thus delayed the trial for the reasons best known to them and have contributed towards the custody of the petitioner with no reasonable explanation being rendered in this regard by the State. As such, the

officer(s) concerned is liable to be burdened with costs of Rs. 20,000/-, which shall be paid as an interim compensation to the petitioner, to be deposited within a period of 15 days from today before the Court concerned and in case, the officer(s) concerned fails to deposit the costs, the Deputy Commissioner concerned is directed to recover the same from the officer(s) concerned as arrears of land revenue.

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

[7] Pending miscellaneous application(s), if any, shall also disposed off.

April 02, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No