

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

CRM-M-52966-2024 (O&M)
Date of Decision:-29.10.2024

Jasveer Kaur @ Jasbir Kaur... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paramjit Singh Brar, Advocate for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
373	3.12.2023	STF, District SAS Nagar	21(b), 22(c) and 27/61/85 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, the petitioner and her husband Jaswinder Singh @ Gaggi were apprehend by the police while they were going on “Activa” scooter driven by petitioner’s husband. It is the case of prosecution that a bag was tied with the handle of “Activa” scooter and a search of the same led to recovery of 26 grams of ‘heroin’ and 50 tablets of ‘Etizolam’. The recovered ‘Etizolam’ would fall in the category of commercial quantity.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case simply in order to pressurize her entire family



and that in any case, even if, all the allegations are accepted to be correct, it is a case where the petitioner cannot be attributed conscious possession of the contraband inasmuch as she was not carrying the bag containing the contraband, which was infact tied with the handle of the Aactiva scooter, which was being driven by petitioner's husband. It has been submitted that under these circumstances, it is the husband of the petitioner, who can be said to be having domain over the Aactiva scooter and not the petitioner, who was sitting on the pillion seat.

4. Opposing the petition, learned State counsel submitted that since the petitioner is none else but the wife of the person, who was driving the Aactiva scooter on which petitioner was sitting on the pillion seat, her complicity is clearly evident and it is evident that both had joined hands for the purpose of committing the offence. Learned State counsel submitted that the petitioner is involved in one more case registered for offence under Indian Penal Code. It has also been informed that the petitioner as on date has been behind bars since the last about 4 months and 10 days and that challan already stands presented in the present case. It has also been informed that no PW out of the cited 23 PWs has been examined.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the manner in which the accused were carrying the contraband, which was infact kept in a bag tied with the handle of Aactiva scooter driven by the co-accused, the factum of conscious possession of the petitioner as regards the contraband would be debatable. In any case, the petitioner is a lady, who has been behind bars since the last about 4 months and 10 days and is not stated to be involved in any other case under NDPS

Act. Conclusion of trial is likely to consume time inasmuch as no PW out of the cited 23 PWs has been examined so far. Under these circumstances, further detention of the petitioner will not serve any useful.

7.
- The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2024

Pankaj

(Gurvinder Singh Gill)

Judge

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