

226

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.58956 of 2023 (O&amp;M)

Date of decision : 29.01.2024

Charanjeet Kaur @ Charno

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

\*\*\*

Present :- Mr. S.S.Gill, Advocate  
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

\*\*\*

**PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.95 dated 10.09.2023 registered under Section 22 of NDPS Act at Police Station city Samana, District Patiala.

2 As per the contents of the FIR, it has been alleged as under:-

*“At this time statement of ASI Gurbaksh Singh 506/PT, P.S. City Samana against Charanjeet Kaur @ Charno w/o Gurcharan Singh @ Charna r/o village Muradpura, P.S. City Samana, Distt. Patiala u/s 22/61/85 NDPS Act, SI Baljit Singh 2475/PT, P.S. City Samana through constable Yuvraj Singh 1151/PT was received for registration of case which is "Stated that I am posted at City Samana as investigating officer. Today, I Assistant Inspector along with senior constable Jagdeep Singh 2989, constable Yuvraj Singh 1151/PT were travelling in Govt. vehicle No.PB-11-G-3801 which driver is PHG Balwinder Singh 18196 for patrolling & searching of bad persons and present Waraich Mod Samana when lady constable Payal Singla No.3524/PT of special branch met us. I Assistant Inspector also joined her in police party. He was going outer side of village Muradpura then about 1.10 PM one lady was seen standing carrying a heavy weight black polythene in her left hand. Suddenly seeing police party she got perplexed and fastly was able to enter her house. Lastly I Assistant Inspector along with help of officials apprehended the lady along with heavy weight black polythene near the gate in the street and*

*asked her name and address. She disclosed her name as Charanjeet Kaur @ Charno w/o Gurcharan Singh @ Charna r/o village Muradpura, P.S. City Samana, Distt. Patiala. Then I Assistant Inspector asked Charanjeet Kaur @ Charno the reason of being perplexed on seeing the police party. She told that there is intoxicant tablet in the heavy weight polythene carried by her in the left hand. That is why on seeing the police party I got perplexed and was to enter my house. Then I got noted to Head Munshi City Samana on mobile for taking legal action against Charanjeet Kaur @ Charno and to send regular N.G.O. at spot. The you on private vehicle along with laptop and printer came on teh spot for investigation. Charanjeet Kaur @ Charno by keeping intoxicant tablets in the possession has done wrong. Legal action be taken against Charanjeet Kaur @ Charno. I have got my statement recorded to you, which is heard and is correct.”*

3           Petitioner was found to be in conscious possession of 96.6 grams of tramadol hydrochloride which is non-commercial in nature. Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner is behind bars for 4 months & 12 days.

4           Learned counsel for the petitioner has produced orders which show that the petitioner earned acquittal in FIR No.52 dated 08.04.2017 but was sentenced to undergo in FIR No.37 dated 08.03.2014 and FIR No.45 dated 03.04.2013 wherein the petitioner was found to be in possession of small quantity of poppy husk. So far as FIR No.7 dated 21.01.2023 is concerned, the petitioner was found to be in possession of 1000 loose intoxicant tablets which were assessed to be non-commercial quantity and the petitioner was released on bail.

5           Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

6           I have heard learned counsel for the parties and have gone through the records of the case.

7            Though the order passed by the Court below cannot be faulted for having denied the regular bail to the petitioner for being habitual offender, however, considering the incarceration suffered by the petitioner, the present petition is allowed.    The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

8            In addition to the abovesaid conditions, in case, the petitioner repeats the offence, the prosecution shall be at liberty to move an application seeking cancellation of bail.

9            Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

**( PANKAJ JAIN )**  
**JUDGE**

**29.01.2024**  
*Pooja sharma-I*

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |