



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

Date of Decision: 12.11.2024

...Petitioner

VS.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Angrej Singh Sarwara, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.0217 dated 10.05.2024 registered under Sections 304 of IPC (Section 21 of NDPS Act, 1985 and Section 105 of BNS, 2023 added later on), at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner contends that even from the allegations levelled by the complainant in the present FIR, no offence under Section 304 IPC is made out against the petitioner. In fact, Nishan Singh, deceased had died due to overdose of drugs and the petitioner has been wrongly involved in the present case. He further contends that Shindo Kaur, Manohar Singh alias Mohna, Jaswinder Singh alias Goli, co-accused have already been granted the concession of bail by different Courts. The petitioner was arrested in the present case on 10.05.2024 and is in custody since then. Since no witness



has been examined so far, the custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and 03 more FIRs under the provisions of NDPS Act have been registered against her. However, he does not dispute the fact that the petitioner is on bail in all three cases.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 10.05.2024 and after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the Court. Moreover, co-accused, namely, Shindo Kaur, Manohar Singh alias Mohna, Jaswinder Singh alias Goli, co-accused have already been granted the concession of bail by different Courts.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) 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 her to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

- (iii) *The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark her presence by making an entry in the rojnamcha. In case, she does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to her shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

12.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No