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2024:PHHC:000187

CRM-M-63185-2023
Date of decision : 04.01.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Jaswinder S. Arora, DAG, Punjab with SI Satpal Singh.

PANKAJ JAIN, J. (ORAL)

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of prosecution on receiving secret information against Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu, Dharminder Singh and Baljit Kaur regarding indulging in the selling of narcotic and psychotropic substances, their house was raided. From the search of the

house 255 grams of *heroin* and 60 kgs. of *poppy husk* were recovered in the presence of Baljit Kaur wife of Jaswinder Singh @ Shinda who has been arraigned as main accused. Present petitioner happens to be the mother-in-law of the main accused Baljit Kaur and mother of Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu and Dharminder Singh. Jaswinder Singh @ Shinda, Sukhdev Singh @ Babbu and Dharminder Singh all admittedly have been granted concession of pre-arrest bail. Petitioner is behind bars for more than 3 months and 12 days. There is no allegation of recovery of any contraband *qua* her and she has no criminal antecedents.

4. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

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

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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 herself on any date before the trial.
 - (iv) The petitioner shall not commit any offence while on bail.
 - (v) The petitioner shall deposit her passport, if any with the trial Court.
 - (vi) The petitioner shall give her cellphone number to the police authorities and shall not change her cell-phone number without permission of the trial Court.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 04, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No