

246-CRM-M-32996-2024

2025:PHHC:030794



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32996-2024

Date of decision: 04.03.2025

Manjit Kaur @ Mallo

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.K.Bhangu, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Status report dated 02.03.2025, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Kapurthala, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
72	28.05.2024	21 and 29 of the NDPS	Sadar Kapurthala, District Kapurthala

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, a lady aged about 47 years, being innocent has been falsely implicated in this case. He contends that no recovery



has been effected from her and she is in custody since 28.05.2024. He contends that as per the allegations 30 grams of heroin is stated to have been recovered from the petitioner which is manifestly wrong. He contends that challan has already been presented in the Court. Hence, prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel, referring to the status report (supra), has assailed these arguments by submitting that the petitioner is a habitual offender involved in drug trafficking and as such she does not deserve the concession of bail.

5. Considering the respective arguments and perusing the record, it transpires that as per the case of the prosecution, the petitioner was apprehended by the police party on 28.05.2024 while keeping in conscious possession of 30 grams of heroin. Admittedly, after completion of investigation, challan has already been presented in the Court wherein the prosecution has cited 08 witnesses but till date only 01 witness has been examined. Although the petitioner is having some other cases registered against her but she is stated to be on bail therein. Considering the fact that the petitioner is already in custody since 28.05.2024 and till date only 01 witness has been examined by the prosecution, the conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time, no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is

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allowed and the petitioner is ordered to be released on bail on her furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that she will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, she will seek prior permission of the concerned Court qua her exemption to appear on the date fixed and she will not tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of her bail in accordance with the law.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

10. Pending miscellaneous application, if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

04.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |