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

CRM-M-46628-2024**Date of Decision: 02.04.2025**

Sarabjit Kaur @ Kalo

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Parminder Singh Sekhon, Advocate with
Mr. Kaushal Chahal, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.150 dated 20.07.2022 registered under Sections 22 and 29 of NDPS Act, at Police Station Amargarh District Malerkotla (earlier District Sangrur).

2. Learned counsel for the petitioner contends that in the present case, Jasbir Singh @ Kala, Akashdeep Singh and the petitioner were allegedly travelling in a car with the contraband. By referring to the orders (Annexures P-3 and P-4, respectively), learned counsel submits that similarly placed co-accused, namely, Akashdeep Singh and Jasvir Singh @ Kala have already been admitted to bail by this Court. Learned counsel further contends that in the present case, the petitioner alongwith other co-accused has been falsely involved by the officials of CIA, Mohorana. However, the mandatory provisions of Sections 42 and 50 of NDPS Act were not complied with, while

searching the petitioner and his car. He further contends that the petitioner was arrested in the present case on 20.07.2022 and is in custody for the last more than 02 years and 7 months.

3. On the other hand, additional affidavit has been filed by Deputy Superintendent of Police, Sub-Division Amargarh, District Malerkotla and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 7 more cases have been registered against the present petitioner and the petitioner is a habitual offender. However, he admits that two similarly placed co-accused, namely, Akashdeep Singh and Jasvir Singh @ Kala have been granted the concession of bail by this Court.

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

5. In the present case, the tablets containing Diphenoxylate Hydrochloride and Tramadol Hydrochloride were allegedly recovered from the petitioner and his co-accused. However, as per FSL report (Annexure P-2), the medicines had already expired many years before the alleged recovery. Moreover, two similarly placed co-accused, namely, Akashdeep Singh and Jasvir Singh @ Kala have already been granted the concession of bail by this Court vide orders (Annexures P-3 and P-4 respectively) and on parity also, the petitioner is entitled to grant the concession of bail by this Court. Moreover, the petitioner is in custody for the last more than 2 years and 7 months and only 03 witnesses, out of total 19 witnesses, have been examined so far. Thus, no purpose will be served by keeping the petitioner behind bars.

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 his 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 him 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 himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he 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 his presence by making an entry in the

rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

02.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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