



234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47120-2024

Date of Decision: 23.01.2025

JAGDISH KAUR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raghav Goyal, Advocate for the petitioner.
Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 483 of BNSS of 2023 for grant of regular bail to the petitioner in FIR No. 43 dated 23.03.2023 (Annexure P-1) under Sections 22-C, 61, 85 NDPS Act 1985 registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner argued that after charges were framed way back on 29.08.2023, the trial had been proceeding at snail's pace as it is a matter of record that as on date, only one witness had been completely examined, two partly examined, six had given up out of total 17 prosecution witnesses cited. He further contended that in the circumstances, the petitioner cannot be made to languish in custody as it is also apparent from the zimni orders that the trial has been adjourned on account of either prosecution witnesses not being present or in the alternative some of the witnesses remained to be summoned. It has been further contended that the petitioner was allegedly intercepted on suspicion and, therefore, recovery of 38 tablets of Etizolam was planted upon her.

Learned counsel has also very fairly conceded that although the petitioner is



involved in two other cases under the NDPS Act, however, in both those cases recovery allegedly made from the petitioner was of small quantity. Learned counsel, therefore, prays that the petitioner be enlarged on bail as it compromises with his constitutional right to a speedy trial. In support, learned counsel has placed reliance upon ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** and ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]***, wherein Hon'ble the Apex Court in almost identical circumstances had extended the concession of bail to the accused on account of inordinate delay in the conclusion of the trial even though the recovery effected had been classified as 'commercial' in the said cases; Hon'ble the Apex Court had dispensed with the conditions of Section 37 of the NDPS Act in the said cases.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has not disputed the custody period of the petitioner who has been in custody since 23.03.2023, the stage of the trial has also not been disputed by the State counsel

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

5. The petitioner has been languishing in custody since 23.03.2023, and it is evident that the trial is unlikely to conclude in the near future as 07 witnesses are yet to be examined coupled with the fact that two witnesses have only been partly examined.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

23.01.2025

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