



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

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CRM-M-63280-2024

Date of decision: January 7th, 2025

Zareena

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inderpreet Singh Kooner
and Mr. M.P.S. Chahal, Advocates
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.107 dated 09.12.2023 under Section 18 of the NDPS Act, 1985, registered at Police Station Sadar Rajpura, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner, who is 20 year old woman, has been in custody since 09.12.2023 for having been found in possession of 2.6 kilograms of opium. Learned counsel submits that a highly unbelievable version has been brought forth that the petitioner along with co-accused Jasmin was walking on the road carrying a bag containing the recovered contraband with her child in her lap. It has been submitted that the petitioner has no previous criminal antecedents, which further lends credence to the petitioner's false implication in the present case. Learned counsel for the petitioner has also asserted that after the petitioner was arrested on 09.12.2023, challan was presented on 15.03.2024 and charges framed

on 02.04.2024, however, till date only two witnesses out of the 13 cited by the prosecution have been partly examined, and further it is a matter of record that on most of the dates of hearing before the trial Court, the case had been adjourned on account of either the non-appearances of the prosecution witnesses or at the request of the prosecution witnesses themselves. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner could not be made to languish in jail for reasons not attributable to her but to the prosecution. It has also been submitted that although it is a case of false implication, however, even assuming for the sake of arguments that the alleged recovery had indeed been affected from the petitioner, it was just marginally higher than the minimum classified as commercial under the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Paramjeet Singh, has not disputed the custody period of the petitioner nor has the stage of the trial been disputed. However, it has been asserted by the learned State counsel that the petitioner along with co-accused was nabbed on suspicion leading to a recovery of 2.6 kilograms of opium, which has been classified as commercial under the NDPS Act. Learned State counsel, on further instructions, has not been able to controvert that the case is being adjourned before the trial Court on account of the repeated non-appearance of the prosecution witnesses or on a request made for adjournment by the prosecution itself.

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

5. The petitioner, as not disputed by the learned State counsel, has no previous criminal antecedents. She was apprehended and an

alleged recovery of 2.6 kilograms of opium (marginally higher than the minimum classified as commercial under the Act) was affected from the petitioner. The trial is unlikely to conclude in the near future as only two prosecution witnesses have been partly examined out of the 13 cited.

6. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

January 7th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No