

Kuldeep Kaur v. State of Punjab (P&H) : Law Finder Doc Id # 647914
PUNJAB AND HARYANA HIGH COURT

Before :- Mehinder Singh Sullar, J.

CRM No. M-42908 of 2014. D/d. 09.01.2015.

Kuldeep Kaur - Petitioner
Versus
State of Punjab - Respondent

For the Petitioner :- Mr.Ashish Aggarwal, Advocate.

For the State :- Mr. J.S. Sekhon, AAG Punjab.

Criminal Procedure Code, 1973 Section 439 Narcotics Drugs and Psychotropic Substances Act, 1985, Section 22 - Recovery of contraband - Application filed seeking grant of regular bail - Held, intoxicant powder (Nitrazepam) recovered from accused was only 500 gms - Petitioner who was a lady, was arrested on 18.10.2013 and is in judicial custody since then - There is no history of her previous involvement in any other criminal case - Conclusion of trial will take a long time - Bail granted.

[Para 5 and 6]

Cases Referred :

[Deepak Sharma v. State of Punjab, 2013\(4\) RCR\(Criminal\) 622.](#)

JUDGMENT

Mehinder Singh Sullar, J. (Oral) - The petitioner has preferred the instant petition, for the grant of concession of regular bail, in a case registered against her along with her other co-accused Balwinder Singh, vide FIR No.234 dated 18.10.2013 (Annexure P2), on accusation of having committed an offence punishable under sections 22 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as "the NDPS Act") (the offences punishable under Sections 379, 411, 427 and 473 I.P.C. were later on added) by the police of Police Station Sadar Tarn Taran.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this respect.

4. Precisely, the prosecution, inter-alia, claimed that on 18.10.2013, in the wake of search, 500 grams of intoxicant powder (Nitrazepam) was recovered from the possession of petitioner, whereas 500 grams of intoxicant powder was separately recovered from her co-accused Balwinder Singh. The learned counsel for petitioner has placed reliance on the order dated 15.3.2013 rendered by this court in case **Deepak Sharma v. State of Punjab 2013(4) RCR(Criminal) 622**. Taking into consideration that only 500 grams of intoxicant

powder (Nitrazepam) was recovered from the possession of petitioner, to me, she is entitled to the benefit of regular bail.

5. Moreover, the petitioner, who is a lady, was arrested on 18.10.2013. Since then, she is in judicial custody and no useful purpose would be served to further detain her in jail. There is no history of her previous involvement in any other criminal case. The final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as indicated here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on her filing a specific affidavit that she will not indulge in any such illegal activities in future and on her furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.