



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

232

CRM-M-49598 of 2025
Date of decision: 21.07.2025

Hikmati Pun Magar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Anil Kumar Malik, Advocate, for the petitioner.

Mr. Kamal Preet Bawa, DAG, Punjab.

H.S. GREWAL, J. (Oral)

1. The petitioner is seeking regular bail under Section 439 Cr.P.C. in case FIR No.39 dated 31.01.2023, under Sections 20, 61, 85 of NDPS Act, registered at Police Station Derabassi, District Mohali.
2. Learned counsel for the petitioner submits that the case of the prosecution is that petitioner was found in possession of 2 kg of charas and 3 kg of charas was also recovered from co-accused Dilmaya Gharti.
3. Learned counsel for the petitioner submits that petitioner is not involved in any other case. He further submits that as per custody certificate, petitioner is in custody for the last 2 years, 5 months and 16 days as under trial. He further submits that out of total 10 witnesses only, 5 have been examined. Trial is likely to take time for its conclusion and continuous detention of the petitioner would not serve the ends of justice, therefore, petitioner be released on regular bail.
4. Notice of motion.
5. Mr. Kamal Preet Bawa, DAG, Punjab, accepts notice on behalf of the respondent-State. Learned State counsel vehemently opposes the



prayer for grant of regular bail to the petitioner. He has filed the custody certificate in the Court today, which is taken on record. As per custody certificate, the petitioner is in custody for 02 years, 5 months and 16 days. He, upon instructions, submits that only 05 out of 10 prosecution witnesses have been examined.

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

7. In view of the above submissions of learned counsel for the parties and considering the custody period undergone by the petitioner and the fact that he is not involved in any other case; out of total 10 prosecution witnesses only, 5 have been examined, the continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bail bonds, surety bonds (some local surety as she belongs from Nepal) to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of their bail.

(H.S. GREWAL)
JUDGE

21.07.2025

anil

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