

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

CRM-M-13112 of 2015(O&M)

Date of decision : 24.08.2015

Anita Rani @ Neetu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A. S. Gagrha, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted with HC Harpal Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.117 dated 26.05.2014, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Morinda, District Rupnagar.

The learned counsel, inter alia, contends that the alleged recovered quantity is 38.4 grams as against the commercial quantity of 50 grams. The petitioner is in custody since 26.05.2014. The petitioner has been falsely implicated at the instance of her husband with whom some matrimonial dispute is going on and he is facing the criminal

proceedings.

On the other hand, the learned State counsel opposes the bail and states that recovery has been effected from the conscious possession of the petitioner. However, he is unable to controvert the assertion made by the learned counsel for the petitioner that the alleged recovery being 38.4 grams is non-commercial. He further submits that out of the 11 witnesses, only 3 have been examined, 2 have been given up and 6 remains to be examined.

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

Therefore, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

24.08.2014

ashok

(JITENDRA CHAUHAN)
JUDGE