

212

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

**CRM-M No.15514 of 2015
Date of Decision:25.05.2015**

Suman Rani

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

1. ***Whether Reporters of local papers may be allowed to see the judgment?***
2. ***To be referred to the Reporters or not?***
3. ***Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.12 dated 18.01.2015, under Sections 18/29/61/85 of NDPS Act registered at Police Station Guruharsahai, District Ferozepur (Annexure P-1).

Learned counsel for the petitioner relies upon order dated 04.05.2015 passed in Criminal Miscellaneous No.11167 of 2015 vide which bail has been granted to co-accused Ranjit Singh by passing following order:-

“Petitioner seeks grant of regular bail under

Section 439 Cr.P.C read with Section 167(2) Cr.P.C., in case bearing FIR No.12 dated 18.01.2015, under Sections 18, 29, 61/85 of N.D.P.S Act, P.S. Guruharshai, District Ferozepur.

Learned counsel for the petitioner states that alleged recovery of 2.5 kg opium is a non-commercial quantity for which period of 60 days is required for filing challan. The prayer in terms of Section 167(2) Cr.P.C., has been declined by presuming it to be a commercial quantity, attracting period of 180 days for filing challan.

Learned counsel further states that petitioner was arrested on 18.01.2015. In application for grant of bail in terms of 167(2) Cr.P.C. was moved on 20.03.2015 i.e. after 60th day of custody. Challan was presented on 26.03.2015.

Learned Special Court instead of deciding the application under Section 167(2) kept the application pending and dismissed the same vide order dated 27.03.2015.

Learned counsel relies upon Ratto v. State of H.P., 2004(1) R.C.R. (Criminal) 501., Ishwar Jat v. State of Punjab, 2011(1) Law Herald 508, and Mander Singh v. State of Punjab, 2015(2) RCR (Criminal) 634 to contend that recovery of 2.5 kg opium is a non-commercial quantity and provision in terms of 37 N.D.P.S., Act will not apply.

Looking to the aforesaid, petitioner is ordered to be released on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Ferozepur.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits

of the case.”

Petitioner was also apprehended in the same FIR. In view of the aforesaid, petitioner is ordered to be released on bail, subject to her furnishing bail bonds and surety bonds to the satisfaction of CJM, Ferozepur.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 25, 2015.
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE