

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

CRM-M-28777 of 2015

Date of decision: September 01, 2015

Palo

----Petitioner(s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Petitioner, namely, Palo wife of Karnail, resident of village Thabalke, Police Station, Nakodar, Distt. Jalandhar, has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 78, dated 24.05.2015, under Sections 21/61/25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "the NDPS Act"), registered at Police Station, Maqsudan, Distt. Jalandhar City.

Learned counsel for the petitioner contends that the allegation against the petitioner is for recovery of 90 grams heroin, which is the non-commercial quantity and, therefore, the bar of grant of bail under Section 37 of the NDPS Act would not be attracted. He

further submits that petitioner is in custody since 24.05.2015 and there is no other case pending against her. She was booked in two cases but in one case, she was acquitted whereas in another case, the sentence was reduced to already undergone, which is again a non-commercial quantity.

Learned State counsel, on instructions from Head Constable -Resham Singh, does not dispute the aforesaid fact and further submits that challan has been presented and the charges are yet to be framed in the case.

He also filed the custody certificate of the petitioner, the same is taken on record.

Considering the fact that the trial will take sufficient long time to conclude and the alleged possession of the petitioner is of 90 grams heroin, which is the non-commercial quantity, the petitioner, namely, Palo wife of Karnail, is admitted on regular bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found involved in any other case in future, the prosecution will be at liberty to seek cancellation of bail of the petitioner.

However, expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

September 01, 2015
Anjal

(HARI PAL VERMA)
JUDGE