

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

**CRM-M No. 37468 of 2015 (O&M)
Date of Decision: 14.12.2015**

Ranjit Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab
for the respondent/State.

JASWANT SINGH, J. (ORAL)

Prayer made by the two accused is for grant of regular bail in case FIR No. 41, dated 08.03.2015 under Sections 21/61/85 of N.D.P.S. Act, P.S. City Phagwara, District Kapurthala.

Both the accused-petitioners are real sisters and are of 21-22 years of age. Their father is stated to be dead. Recovery of 250 grams each of intoxicating powder containing "Diphenoxylate Hydrochloride" has been made from the purse/hand bag carried by them.

It is conceded that both the petitioners were granted interim bail on 08.05.2015 due to filing of the challan without the Chemical Examiner Report. On the receipt of the report opining the seized contraband to be Narcotic and being commercial in nature, they were taken back in custody on 16.10.2015. It is also conceded that the concession of interim bail was not misused by the accused during the said interrogation period.

Learned counsel for the petitioners submits that on account of altercation due to lewd remarks passed in the market by the police officials, a false case has been foisted upon them. He further submits that it is highly improbable/unbelievable that both the sisters would carry identical weight of intoxicating powder in two separate purses/handbags. He further submits that there are no other cases pending against them.

Learned State Counsel, on instructions from ASI Surinder Singh, concedes that none of the prosecution witnesses has since been examined.

No doubt, there is a bar in case of recovery of commercial quantity for grant of regular bail, however, keeping in view the facts of the present case read with the exception made out in cases of women under Section 437 Cr.P.C. and without commenting on the merits of the case, in the opinion of this Court, the petitioners are liable to be granted the concession of regular bail as trial is likely to take considerable time.

In view of the above, present petition is allowed and the petitioners are ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Kapurthala.

December 14, 2015

manoj/'dk kamra'

(JASWANT SINGH)
JUDGE