

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

***CRM No.M-11786 of 2016 (O&M)
Date of decision:27.05.2016***

Sheelo Devi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. L.S. Sekhon, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.84 dated 21.05.2014, under Section 22 of the NDPS Act, registered at Police Station City Dhuri, District Sangrur.

As per prosecution version, petitioner was apprehended on 21.05.2014 and an alleged recovery of 105 grams of intoxicating powder was effected from a bag which was stated to be in her right hand. As per stand taken on behalf of the State, samples having been sent, report of the Forensic Science Laboratory, Mohali was received and the same was found to be containing the salt of diphenoxylate hydrochloride.

Concededly, the challan has been presented subsequent in point of time to the receipt of the report of Forensic Science Laboratory, Mohali and in which the recovery is stated to be of alprazolam.

In case the recovery is to be taken as per challan document then the same would be construed as marginally over and above the commercial quantity.

In the present case, even charges have been framed but the trial is stated to be at the very initial stage.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Petitioner is a lady and who has faced incarceration for a period now in excess of two years.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sangrur.

Disposed of.

27.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**