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

CRM-M-16755 of 2016

Date of decision: August 10, 2016

Amandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. H.S. Sandhu, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties and perused the record.

Learned State counsel submits that the challan under the provisions of Indian Penal Code has definitely been filed, though, he candidly stated that there is no challan under the provisions of NDPS Act, though, the petitioner, according to the prosecution, was in possession of 16 grams of Heroin, which was thrown away by the petitioner when after the incident took place in which the co-accused, i.e. the driver of the motorcycle expired and the petitioner was injured. Learned State counsel further states that there is one more case under the NDPS act would credit to the petitioner but the same is also not regarding commercial quantity.

Be that as it may, the petitioner would be statutorily entitled to grant bail under Section 167 (2) Cr. P.C. in view of the fact

that the challan has been filed and the petitioner is in Jail for more than 6 months, i.e. beyond 180 days.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate concerned. Petitioner shall not tamper with the prosecution evidence.

(A.B. CHAUDHARI)
JUDGE

August 10, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No