

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-24509 of 2016

Date of Decision: 27.07.2016

Amarjit Kaur alias Jeeti

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Ms. Bhawna, Advocate for
Mr. A.S. Dhaliwal, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.106 dated 9.6.2015 under Section 22 of the NDPS Act, registered at Police Station City South, Moga.

Learned counsel for the petitioner contends that the petitioner was taken into custody on 10.6.2015 and was admitted on interim bail vide order dated 11.9.2015 in view of Section 167(2) CrPC, as FSL report was not received in the case. However, on receipt of FSL report, the petitioner was again taken into custody on 27.4.2016 and she is in custody since then.

The allegation against the petitioner is that she was found in possession of

125 grams intoxicant powder, which is marginally higher than the non-commercial quantity.

Learned State counsel has filed the custody certificate of the petitioner in Court and does not dispute the custody period of the petitioner. He submits that no doubt, the recovery made from the petitioner is marginally higher than the non-commercial quantity, there is another case pending against petitioner, though in that case, she is on bail.

I have heard learned counsel for the parties.

The alleged recovery made from the petitioner is 125 grams intoxicant powder is marginally higher than the non-commercial quantity. Considering the fact that the petitioner is in custody for the last more than six months i.e. from 10.6.2015 to 11.9.2015 and 27.4.2016 till date, coupled with the fact that the trial will take sufficiently long time, the present petition is allowed. The petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No