

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33419 of 2016

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Date of decision:17.10.2016

Paramjit Kaur alias Pammi

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.166 dated 28.9.2015 (Annexure-P.1)
registered for the offence under Section 22 Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station
Sadar Dhuri, District Sangrur.

Notice of motion to Advocate General, Punjab.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of the respondent-State and contested this
petition.

I have heard learned counsel for the petitioner as well as
learned Assistant Advocate General, Punjab appearing for the respondent-

State and have gone through the record.

From the record, I find that 53 grams of intoxicating powder containing Diphenoxylate Hydrochloride was recovered from the petitioner. The quantity is marginally higher as more than 50 grams falls in commercial quantity. On the last date of hearing, learned counsel for the petitioner argued that the powder was weighed along with the pouch. On the last date, the Investigating Officer was not present. Today again, the Investigating Officer has not appeared to rebut this fact.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, *prima facie* it looks that as the counsel states that the intoxicating powder has been weighed along with the pouch, therefore, this recovery may fall in non-commercial quantity.

The petitioner has been in custody since 2.9.2016. The petitioner is not required for interrogation or investigation purposes as she is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, from the above discussion, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal bond in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated herein shall be construed as an

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expression of opinion on the merits of the case and the learned trial Court shall consider the case on the basis of evidence and material as produced before it.

October 17, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No