

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

**Criminal Misc. No. M-37681 of 2016
Date of Decision:-26.10.2016**

Rekha Rani

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., 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 during pending trial in case FIR No.339 dated 22.11.2015, under Section 21/61/85 of the NDPS Act, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner contends that the petitioner was found in possession of 11 vials of Rexcof each containing 100 ml. As far as 11 bottles of Rexcof are concerned, he relies upon an order of this Court dated 10.12.2015 passed in **CRM-M- 40849-2015** titled as '*Manjit Singh v. State of Punjab*', wherein even though the allegation against the petitioner-therein was recovery of 20 vials of Rexcof Syrup, but he was granted bail. Learned counsel further submits that the petitioner is in

custody since 05.10.2016 and there is no other case against the petitioner.

On the other hand, learned State counsel, on instructions from ASI Satnam Singh, does not dispute the aforesaid facts. However, he submits that there is recovery of 11 bottles of Rexcof from the petitioner, which disentitles her for grant of bail.

I have heard learned counsel for the parties.

Taking into consideration the order dated 26.5.2014 passed by a coordinate Bench of this Court in CRM-M-42099-2013 titled as *Pradeep Singh Vs. State of Punjab* and order dated 10.12.2015 passed by this Court in CRM-M-40849-2015 titled as *Manjit Singh v. State of Punjab* and the fact that the petitioner is in custody since 5.10.2016, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of her bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found involved in any other case of similar nature, the prosecution is at liberty to seek cancellation of his bail.

Needless to say that the observations made here-in-above shall not be construed as any expression on the merits of the case.

October 26, 2016

Vijay Asija

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes / No

Yes / No