

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

CRM-M-23228 of 2017

Date of decision: December 04, 2017

Sheela Devi

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG Punjab.

Mr. J.S. Lalli, Advocate for the complainant.

A.B. CHAUDHARI, J

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.191 dated 26.12.2016, under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Division No.1, Jalandhar City.

The petitioner was arrested on 26.12.2016 and is in jail since then as under trial. The petitioner was said to have been carrying 6 set of 10/10 each having Buprenorphine Injections IP 2 ML each. The trial Court made the following observations regarding the position:-

“5. Perusal of file reveals that on 26.12.2016 in the area Minni Vegetable Market, Jalandhar, the applicant/accused was found in conscious possession 6 set of 10/10 each having Buprenorphine Injections IP 2 ML each. The chemical report is still awaited. The recovery effected from the conscious possession of the

applicant/accused may fall under the category of commercial quantity.....”

It is clear that the petitioner has been in jail for a quite long time. The trial Court also awaited the report of chemical analyzer. The petitioner is a woman and no other case is reported against her. In my opinion, the petitioner needs to be released on regular bail particularly looking to the quantity, namely 6 set of 10/10 each having Buprenorphine Injections IP 2 ML each and in order to give her a chance to reform. However, the petitioner will have to furnish an undertaking to the police station concerned that she would not commit any similar or other kind of offence.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall file undertaking before the police station concerned that she would not commit/indulge in similar or any other kind of offence in future. Petitioner shall deposit her passport, if possesses, with the trial Court. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

December 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No