

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33571 of 2017
Date of Decision: 15.09.2017

Bimla Devi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gautam Thapar, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 27 dated 14.04.2017 registered for the offence punishable under Section 15 of Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Amloh, District Fatehgarh Sahib.

Heard.

Notice of motion.

On asking of the court, Mr. Luvinder Sofat, A.A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Petitioner in this case was arrested on 14.04.2017 and recovery of 24 kgs. of poppy-husk (non-commercial quantity) was effected from her possession.

Learned State counsel submits that earlier also a case bearing FIR No. 108 dated 02.09.2015 was registered against the petitioner at police

Station Amloh in which she has been convicted. He further submits on instructions from HC Gurmeet Singh that after completion of investigation police has presented the challan and charges have also been framed against her but no witness has been examined so far.

Keeping in view the fact that recovery effected from the petitioner is of non-commercial quantity and she is in custody for the last more than five months, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Bimla Devi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

September 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No