

S.No.206

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

CRM-M-26974 of 2018 (O&M)

Date of Decision:08.10.2018

Kashmiro

.....Petitioner

Vs.

The State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.29 dated 13.12.2017 registered under Section 21/29 of NDPS Act at Police Station SSOC Amritsar, District Amritsar.

Counsel for the petitioner contends that although the Police claims to have recovered 265 grams of the material containing heroin, however, as per the FSL report, the content of the prohibited substance in the same is found only to be 29.4%. Therefore, the recovery from the petitioner, so far as the narcotic substance is concerned, is of a non-commercial quantity. Counsel has relied upon a judgment of this Court rendered in case **CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab** decided on 21.08.2018, to support his contention. Counsel has further contended that the petitioner is in custody since 13.12.2017 and only one witness has been examined so far out of thirteen witnesses. Therefore, the trial is likely to take a longer time. The petitioner is not required for any investigation purposes. Therefore, it is of no use to keep him in custody.

On the other hand, counsel for the State, being instructed by SI Vikrant Sharma, submits that recovery from the petitioner is of 265 grams of heroin. Although counsel for the State has not been able to rebut the custody of the petitioner nor the percentage of the substance as per the FSL report, however, counsel for the State submits that there have been other cases against the petitioner.

In response to that, counsel for the petitioner submits that as of today, the petitioner is not in custody in any other case. In all other cases, the petitioner was either acquitted or she has undergone the minor sentences which were inflicted upon her.

In view of the above submissions of counsel for the petitioner, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

October 08, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No