

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

**CRM No.M-46436 of 2017
Decided on: 01.02.2018**

Indra Rani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.17 dated 21.01.2014, for offence punishable under Section 22 of the Narcotic Drugs Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

Counsel for the petitioner has submitted that the petitioner was arrested on 21.01.2014 and while awaiting the report of the FSL, he was granted interim bail w.e.f. 18.03.2014 to 10.11.2017 i.e. for a period of about more than 3½ years. It is further submitted that during the said period, the petitioner has never misused the concession of bail and he was never involved in any other case under the NDPS Act. Counsel for the petitioner has further submitted that after receipt of the report of FSL, he has been taken in judicial custody. It is further argued that recovery from the petitioner is about 120 grams of Alprazolam and it will be a debatable issue whether the said drug was a manufactured

drug or psychotropic substance. Counsel for the petitioner has also submitted that the petitioner is not involved in any other case subsequent to 2014 and in an earlier case, registered prior to 2014, he is on bail.

Counsel for the State, on instructions from HC Harpal Singh, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also submitted that the next date of hearing fixed before the trial Court is 06.02.2018 for recording the statement of prosecution witnesses.

Without commenting anything on merits of the case and considering the fact that the petitioner is a lady; she was on interim bail for a period of about 3 ½ years; she has not misused the concession of interim bail and was not involved in any other case subsequently and conclusion of the trial will take long time, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2018
yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No