

202

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

CRM-M No.46903 of 2017
Date of Decision: 02.02.2018

Jit Kaur

....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.S. Barnala, Advocate,
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.284 dated 12.09.2017, registered under Section 21, 22/61/85 of NDPS Act registered at Police Station City Barnala, District Barnala.

2. Petitioner was apprehended on the basis of suspicion as she was also found standing along with Deep and Kali Kaur around the motorcycle. All the three persons were searching the bag which was kept on motorcycle belonging to husband of the petitioner. Deep Singh is real brother of the petitioner. All the three were arrested on the spot. 9 Narcotic bottles of make ONEREX and 3 Narcotic bottles of make U-LINTUS weighing

100 ml each besides 9 strips of intoxicant pills make CARISOMA each containing 10 tablets total 90 tablets were recovered.

3. As per FSL report, the contents of bottles were found to be containing codeine phosphate and triprolidine hydrochloride. The average quantity of ingredient of tablets CARISOMA was detected to be 348.67mg/tablet and the ingredient was found to be carisoprodol and the same does not fall under the Schedule of NDPS Act whereas Codeine is found mentioned at Serial No.28 of the Schedule and upto 1 kg. is the limit for non-commercial quantity. Since the petitioner was arrested on the basis of suspicion along with others when they were found around the motorcycle belonging to husband of the petitioner and Deep Singh is the real brother of the petitioner. It would be debatable as to the recovery whether effected from conscious possession of the petitioner or otherwise.

4. The petitioner is a lady and is in custody since 12.09.2017. Co-accused namely Kali Kaur has already been granted regular bail by this Court vide order dated 24.01.2018.

5. Learned State counsel on instructions from ASI Jasbir Singh submits that husband of the petitioner is the registered owner of the motorcycle and therefore, complicity of the petitioner is on higher side.

6. Challan has already been presented on 10.11.2017.

7. Taking into consideration aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

8. In view of above, the petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

02.02.2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No