

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

**Criminal Misc. No. M-47821 of 2017
Date of decision: 03.08.2018**

Suman

..Petitioner

Versus

State of UT, Chandigarh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP
for UT Chandigarh.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to petitioner-Suman in case FIR No.400 dated 17.09.2017 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that as per allegations levelled by the prosecution, the petitioner was found to be in possession of 11 injections of Bupenorphone, 11 injections of Pheniramine Maleate and 20 gms smack, which is marginally more than the non-commercial quantity. Learned counsel further submits that the petitioner is having daughter of three years of age, who is being looked after by the relatives. The petitioner is in custody since 17.09.2017. Learned counsel also submits that earlier the petitioner was released on interim bail vide

order dated 17.04.2018 but subsequently, she could not appear before the trial Court because of ailment of her daughter and her bail/surety bonds have been cancelled and non-bailable warrants have been issued. Learned counsel also submits that the petitioner is ready to join the Court proceedings with an undertaking to appear before the trial Court on each and every date and to abide by all terms and conditions to be imposed by this Court or by the trial Court. The next date fixed before the trial Court is 10.08.2018.

Learned State counsel submits that the petitioner could not appear before the trial Court on two dates and thereafter, her bail/surety bonds were cancelled. Learned State counsel has not disputed the release of petitioner on interim bail as well as other submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner was earlier granted interim bail; she could not appear before the trial Court due to circumstances beyond her control; she is ready to appear before the trial Court and undertakes not to remain absent; the alleged recovery is marginally higher than the non-commercial quantity; the petitioner is in custody since 17.09.2017; no purpose would be served by keeping him in custody and the trial may take some time to conclude, this petition is allowed and the petitioner (Suman) is directed to surrender before the trial Court on or before the next date of hearing i.e., 10.08.2018 and the trial Court is

directed to release the petitioner on regular bail subject to her furnishing bail/surety bonds to its satisfaction subject to payment of cost of ₹10,000/- to be deposited with the trial Court.

03.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No