

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-979-2019 (O&M)
Date of decision:25.02.2019

Manju Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Tanvir Josh, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.112 dated 18.11.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station SGN DEV Thermal Plant Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner contends that the case against the petitioner is fabricated by the police. It is further contended that even as per the case of the police, the alleged recovery from the petitioner is of 20 bottles of cough syrup Onerex containing the prohibited substance of 'Codeine Phosphate'. However, as per the FSL report, the actual quantity of prohibited substance found in the alleged recovery is only 4 grams, which is less than even the small quantity prescribed for this substance. Learned counsel for the petitioner has relied upon the judgment of this Court dated 21.08.2018 rendered in ***Rajvir @ Raju Vs. State of Punjab in CRM-M-35080 of 2018***, to support his contention. It is further contended that the petitioner is in custody since 18.11.2018 and she is not required for any investigation purpose. Challan has already been filed. There is no other case

against the petitioner. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Balwant Singh, submits that there is heavy recovery of 20 bottles of cough syrup containing prohibited substance. However, it is not denied that there is no other case against the petitioner and that the actual quantity of prohibited substance found in the entire recovery is only 4 grams.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

25.02.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No