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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6031-2019

Date of decision-28.03.2019

Jyoti Rani

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Varinder Basa, Advocate for the petitioner.

Mr. Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Jyoti Rani has prayed for grant of regular bail in case FIR No.3 dated 15.02.2018 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1881 registered at Police Station Sadar, Pathankot, District Pathankot. The petitioner is in custody since her arrest on 15.02.2018.

As per the prosecution case, a secret information was received informing the Police that Parbhjit Singh @ Babba and Jyoti Rani @ Jotan are engaged in smuggling of heroin. Acting upon the same, the rented accommodation where the alleged accused were stated to be available was raided and recovery of heroin was effected. As per the prosecution, 190 grams of heroin was recovered from the right pocket of accused-Parbhjit Singh whereas the 04 grams of heroin was recovered from the purse handle of accused-Jyoti Rani.

Learned counsel for the petitioner has contended that co-accused Prabhjit Singh is already on regular bail. It is further contended that the petitioner is a lady and only 04 grams of heroin is recovered from her and that from the purse. According to him, mandatory provisions of Narcotic Drugs and Psychotropic Substances Act, 1881 were not adhered to thereby vitiating the recovery.

On the other hand, learned State counsel assisted by ASI Naresh Kumar opposed the bail application. It is not disputed that prosecution is yet to adduce its evidence as no witness has been examined so far.

Considering the above background; stage of the trial and custody period of the petitioner, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Pathankot.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

28.03.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No