

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-6448-2019 (O&M)
Date of Decision : 25.2.2019

Kanti @ Kulwant Kaur

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 138 dated 3.5.2018 registered under Sections 22 NDPS Act, 1985 at PS Sultanpur Lodhi, District-Kapurthala.

Originally the petitioner was granted interim bail due to pendency of the report of the FSL but now the FSL report has come, as per which the seized material was Alprazolam. Learned counsel for the petitioner has argued that in this case the material was seized was 110 gms alongwith plastic bag and in case the weight of plastic bag is deducted there is a strong possibility that seized material would be less than the commercial quantity. Moreover the antecedents of the petitioner are clean.

Learned DAG on instructions from HC Balwan Singh has stated that antecedents of the petitioner are clean is not entirely correct because there is an earlier FIR No.105 dated 7.5.2017 under Section 22 of

the NDPS Act at PS-Sultanpur Lodhi. However, she has accepted that in that case recovery was of 25 gms.

In these circumstances, I do not deem it appropriate to grant anticipatory bail to the petitioner particularly since bail was cancelled as far as back on 23.1.2019. However, keeping in view the entire conspectus of facts I dismiss this petition and direct the petitioner to surrender. Thereafter, after surrendering of the petitioner she be released on regular bail to the satisfaction of the concerned Trial Court/Duty Magistrate after one month of custody.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

25.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No