

S.No.209

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

CRM-M-6925 of 2019 (O&M)

Date of Decision:22.04.2019

Balbir Kaur @ Guddo

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.174 dated 04.07.2015 registered under Section 21 of NDPS Act at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that in this very case, earlier the petitioner was released on interim bail; awaiting report of the FSL. However, the FSL report confirmed the presence of the prohibited substance Alprazolam in the alleged recovery. Therefore, interim bail granted to the petitioner was cancelled and the petitioner was taken into custody.

It is further submitted by counsel for the petitioner that even as per the case of the prosecution, the recovery from the petitioner is 110 grams of intoxicant powder. But as per the report of the FSL, the actual quantity of prohibited substance Alprazolam, found in the entire recovery is only .03%, which comes to be less than even the small quantity prescribed for this prohibited substance. Counsel has relied upon a judgment of this

Court in CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab decided on 21.08.2018, to support his contention. It is also submitted that there is no other case against the petitioner. Challan has already been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State submits that the heavy recovery of 110 grams of intoxicant powder has been recovered from the petitioner. However, it is not disputed that as per the FSL report, the actual quantity of the prohibited substance found in the entire recovery is .03% only, which comes to be less than the small quantity of the prohibited substance, found in the entire recovery. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 22, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No