

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No.M-19238-2019(O&M)

Date of decision : 15.07.2019

Sunita Rani @ Seema

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepinder Brar, Advocate
for the petitioner.

Ms. Rajni Gupta, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.0020, dated 04.02.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City South, District Moga.

Learned counsel for the petitioner contends that the petitioner is a 50 years old female and is not involved in any other case. He further submits that the total recovery from the petitioner is 102 grams of alprazolam salt, whereas commercial quantity starts from more than 100 grams. He further submits that the investigation has been completed and the trial is yet to commence.

On the other hand, learned counsel for the State submits that the petitioner is involved in a heinous crime. However, as per the custody certificate filed, petitioner is not involved in any other case.

The recovery from the petitioner is just above the commercial quantity. It is debatable as to whether the entire recovery is to be

considered including natural substance or not? The matter has been referred to a Division Bench in this court. In the case of **Hira Singh and Another vs. Union of India and Another, (2017) 8, SCC, 162**, a larger Bench of the Hon'ble Supreme Court is also considering that whether the entire recovery which includes natural substance is to be taken into consideration or not?

Prosecution is to examine 14 witnesses but none has been examined. Petitioner is in custody since 04.02.2019.

Learned counsel appearing for the State of Punjab has submitted that in the present case, challan has been presented.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 04.02.2019, investigations have already been completed, challan has been filed, charges have been framed and the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court.

Accordingly, the present petition is allowed with the aforesaid directions.

July 15, 2019
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(ANIL KSHETARPAL)
JUDGE

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