

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

CRM-M No.38741 of 2019 (O&M)
DATE OF DECISION : 22nd NOVEMBER, 2019

Popa Kaur @ Jaswinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Ms. Simranjeet Kaur, AAG, Punjab.

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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.90 dated 08.06.2019 registered under Section 22 of Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Boha, District Mansa.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is of 1500 tablets of Clovidol 100 SR and 400 Tablets of Alpax 0.5, containing prohibited substance Tramadol Hydrochloride and Alprazolam, respectively. It is further submitted that as per the report of FSL, the quantity of the prohibited substance Tramadol Hydrochloride found in the recovery is only 99.06mg/tablet from one parcel and 99.14mg/tablet from another parcel. The actual quantity of prohibited substance in Tablets of Alpax is 0.48mg/tablet of Alprazolam, which is less than even the small quantity prescribed for the substances in the Act.

Learned counsel for the petitioner has placed reliance on judgment of this court passed in *CRM-M-35080 of 2018 – Rajvir Singh @ Raju v. State of Punjab* decided on 21.08.2018, to support his contention. The petitioner is in custody since 08.06.2019. It is further submitted that the evidence has already started and the petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Sukhdev Singh, submits that the petitioner has been found in possession of 1500 tablets of Clovidol 100 SR and 400 Tablets of Alpax 0.5. Therefore, a huge recovery of prohibited substance has been made from her. However, the FSL report has not been disputed by the counsel for the State.

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.

22nd NOVEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No