

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64464-2018

Date of Decision: 04.04.2019

Simran Kaur @ Indu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J. (Oral)

Petitioner Simran Kaur @ Indu has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.196 dated 12.09.2017, registered at Police Station Dharamkot, District Moga, under Sections 22, 29 (added later on) of the NDPS Act, 1985.

Notice of motion has been issued.

Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that the recovery in the present case is stated to be 250 grams of Diphenoxylate Hydrochloride, which falls in commercial quantity. Nothing has been recovered from the present petitioner. The only allegation against the present petitioner is that the said intoxicant powder has been supplied by her and Section 29 of the Act

applies to this allegation. Section 37 of the NDPS Act does not bar the grant of bail to the petitioner.

The petitioner has been in custody since long. She is not required for any investigation or interrogation purposes as she is in judicial custody. The trial of the case may take long time. No useful purpose will be served by keeping her in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

04.04.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No