

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M No.50350 of 2019 (O&M)
DATE OF DECISION : 3rd DECEMBER, 2019

Swaran Kaur @ Swarno

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

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

Mrs. Amarjit Kaur Khurana, DAG, 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.98 dated 26.03.2018 registered under Section 22 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

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 125 grams of intoxicant powder containing alprazolam. Still further, it is submitted that as per the report of FSL, total quantity of the prohibited substance alprazolam found in the recovery is only 0.13%, which is less than even the small quantity prescribed for the substance. 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. It is further

submitted that there is no other case against the petitioner. The petitioner is in custody for the last six months. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions submits that the petitioner has been found in possession of 125 grams of intoxicant powder containing alprazolam. Therefore, a huge recovery of prohibited substance has been made from him. However, it is not disputed that as per the FSL report total quantity of prohibited substance found in the recovery is 0.13%. It is also not disputed that there is no other case against the petitioner. Still further, it is also not disputed that the petitioner is in custody for the last six months.

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.

3rd DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>