

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4122 of 2020 (O&M)

Date of Decision: August 17, 2020

Nisha

...Petitioner

Versus

U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankit Chowdhri, Advocate,
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl.Public Prosecutor,
for U.T.Chandigarh.

MANOJ BAJAJ, J. (Oral)

CRM-15783-2020

Prayer in the application is for placing on record the documents.

Allowed. Documents are taken on record.

CRM-M-4122-2020

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.159 dated 23.09.2019, under Section 22 NDPS Act, 1985, registered at Police Station, Maloya, Chandigarh. The petitioner is in custody since her arrest on 23.09.2019.

As per the prosecution, on 23.09.2019 the police party was on patrolling duty in the area of village Maloya. When they reached near Gwala Colony, a lady was seen coming having a red colour purse in her

right hand and on seeing the police party, she turned backward and started walking briskly. She was apprehended on suspicion and on checking, 12 injections of Buprenorphine 2 ML and 4 injections of Pheniramine Maleate 10 ML each were recovered from her possession. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the recovered contraband is marginally above the non-commercial quantity. According to him, investigation of the case is complete and the challan has been filed on 26.02.2020, therefore, further custody of the petitioner may not be necessary. It is pointed out that the petitioner is not involved in any other case. He prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by SI Ashwani Kaushal, while opposing the prayer, submits that the petitioner does not deserve the concession of bail as the contraband recovered from the petitioner falls within the ambit of commercial quantity. However, it is also not disputed that petitioner is not involved in any other case.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after her arrest on 23.09.2019, is presently confined in judicial custody, therefore, her further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Chandigarh.

The petition is allowed.

August 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No