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

**CRM-M No.3651 of 2020(O&M)
Date of Decision: 14.08.2020**

Simran Kaur @ Soma

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. S.S. Sandhu, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0097 dated 04.11.2019 registered under Sections 22 of the NDPS Act at Police Station Joga, District Mansa.

As per prosecution case, 65 strips each containing 10 tablets of Clovidol-100 SR with batch numbers were recovered from the petitioner. The weight of total 650 tablets was found to

be 261.74 grams. The FIR was registered on the basis of chance recovery. The police still gave offer in terms of Section 50 of the NDPS Act. The accused allegedly reposed faith upon ASI for conducting the search.

Learned counsel for the petitioner placed reliance upon **State of Rajasthan Vs. Parmanand and another, (2014) 2 RCR (Criminal) 40** and contended that even if, the accused reposed faith in the Investigating Officer, the suspect should have been taken to the nearest Magistrate in order to impart authenticity, transparency and creditworthiness to the entire prosecution case. Learned counsel submitted that the recovered contraband is marginally above than the quantity prescribed for non-commercial category. Upto 250 grams of the contraband, the quantity is non-commercial.

Learned State counsel on instructions states that the challan has already been presented, but charges have not been framed so far. Petitioner is in custody since 04.11.2019.

Having heard learned counsel for the parties, I find that the recovered contraband is slightly more than the quantity prescribed for non-commercial category. Petitioner is in custody since 04.11.2019.

Owing to the situation arising out of pandemic Covid-19

and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

14.08.2020

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(RAJ MOHAN SINGH)
JUDGE

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