

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4276 of 2020
Date of Decision: 15.09.2020

JAGIR KAUR @ BILLO

.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, D.A.G., 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.53 dated 22.04.2019, registered under Sections 21 & 22 of the NDPS Act at P.S. Sadar, Kapurthala, District Kapurthala.

7 grams of heroin was allegedly recovered from the co-accused and 12 intoxicant injections of Buprenorphine 2 ml. each were allegedly recovered from the petitioner.

Learned counsel for the petitioner submitted that in order to calculate weight of the contraband in grams, the density

of the contraband has to be multiplied by volume and that would be the weight in grams of the contraband. Even otherwise, the alleged recovery is of 24 ml. of Buprenorphine in total, which is marginally in excess of the quantity prescribed for commercial in nature i.e. more than 20 grams.

Learned counsel by relying upon **Shinda vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu vs. State of Punjab, 2012(22) RCR (Criminal) 301** further submitted that the quantity recovered from the petitioner is marginally in excess of commercial quantity. Petitioner is in custody for the last 10 months and 11 days. Since the FSL report is silent with regard to the density of the contraband, therefore, it would be debatable whether recovered contraband would fall under commercial quantity or otherwise.

Learned State counsel on instructions from the Investigating Officer submitted that at this stage only allegations in the prosecution case are to be appreciated as the petitioner was found in possession of 12 injections of Buprenorphine each containing 2 ml. Total quantity of Buprenorphine would come out to be 24 ml. and the same is commercial in nature.

The case of the petitioner would remain debatable as to the exact weight in grams of contraband recovered from the

petitioner.

At this stage, without advertng to the merits of the case and keeping in view the quantity of contraband recovered from the petitioner as well as in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

September 15, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No