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

**CRM-M No.13028 of 2020
Date of Decision: 08.06.2020**

AMARJIT KAUR @ KALO

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Animesh Sharma, Advocate
for the petitioner.

Mr. H.S. Sullar, 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.156 dated 12.08.2019, registered under Sections 21/61/85 of the NDPS Act at P.S. Passiana, District Patiala.

As per allegations in the FIR, a special search was conducted and the petitioner was arrested along with 400 grams of heroin.

Bare configurations of the FIR do not give any time and

place of apprehending the petitioner. No independent person has been joined in the proceedings of arrest of the petitioner and recovery from her. Petitioner was arrested on 12.08.2019. The case property was produced before the Magistrate and the representative samples were drawn on 13.08.2019 and samples were ultimately sent to FSL only on 16.08.2019. Challan has been presented on 23.01.2020. Petitioner is not involved in any other case.

Learned counsel for the petitioner submitted that according to instructions/notification No.1/88 issued by the Narcotics Control Burea, the samples are required to be sent to FSL within 72 hours. The view expressed in **Union of India vs. Bal Mukund and others, 2009(2) R.C.R. (Criminal) 574** and **CRA-S No.1449-SB of 2008** titled '**Satpal vs. State of Haryana**' decided on 06.08.2012 can be relied to *prima facie* observe that the aforesaid non-compliance would entail in grant of regular bail to the petitioner at this stage. Petitioner has three minor children and has no antecedent behaviour of criminal activity.

Per contra, learned State counsel on instructions from the Investigating Officer opposed the prayer on the ground that the recovered contraband is commercial in nature.

At this stage, without advertng to the merits of the case, I am of the view that petitioner, who is in custody since 12.08.2019 can be enlarged on 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.

June 08, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No