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

CRM-M No. 18131 of 2020 (O&M)
Date of Decision: 14.10.2020

Kiranpreet Kaur

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

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

CRM-24083-2020

For the reasons mentioned in the application,
accompanying documents (Annexure P-4 to P-12) are taken on
record, subject to just exception.

Application stands disposed of.

Main case

Petitioner seeks grant of regular bail under Section
439 Cr.P.C. in case bearing FIR No.211 dated 07.10.2019 under
Section 22 of NDPS Act registered at Police Station Dharamkot
District Moga.

FIR was registered on the basis of secret information. 900 capsules of Tramadol were allegedly recovered from the petitioner.

Perusal of challan under Section 173 Cr.P.C. would show that the capsules were taken out from the polythene and were counted. 90 strips carrying 10/10 intoxicant capsules in each strip were found. Tramadol Capsules-IP-50 mg were written on each strip having batch number. In this way, 900 intoxicant capsules were recovered with the endorsement of Tramadol Capsules-IP-50 mg written on each strip.

At the time of representative sampling before the Magistrate, there is a handwritten entry under Tramadol Capsules. Handwritten entry shows Tridol-50.

The Magistrate vide order dated 08.10.2019 has also shown 900 capsules of Tridol-IP-50 mg.

FSL report also shows that 10 capsules of green colour in a strip allegedly as Tridol were received. On analysis, Tramadol Hydrochloride was found. The total weight of the contraband came to be 295.20 grams. Recovery beyond 250 grams would be commercial.

Learned State counsel on instructions from ASI Randhir Singh submits that the nature of recovery would be subject to judicial scrutiny.

The anomaly (if any) in the context of Tridol-50 or Tramadol would be considered by the trial Court in accordance with law.

Having heard learned counsel for the parties, I find that there is a overlapping entry in the memo regarding recovery of intoxicant capsules prepared under Section 52-A of NDPS Act.

It would be debatable during trial as to the nature of recovery effected by the police.

Petitioner is a lady.

Petitioner is in custody for the last more than 01 year.

Keeping in view the total weight of the contraband i.e. 295.20 grams which is marginally in excess of the quantity prescribed for commercial quantity, I deem it appropriate to grant regular bail to the petitioner.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

14.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No