

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

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**CRM-M-26756-2020
Decided on : 11.09.2020**

Sunita

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

Mr.A.M.Punchhi, Advocate, for UT, Chandigarh.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks benefit of regular bail in a petition filed under Section 439 Cr.P.C., in FIR No.0177 dated 21.05.2020 under Section 22 of NDPS Act, 1985 registered at Police Station 39, Chandigarh.

Counsel for the petitioner submits that the recovery from the petitioner is stated to be by-chance of 12 intoxicant injections of Buprenorphine 2 ML each of contraband covered under the Act, which she was carrying in her bag when checked by the police party, which would take it to 24 ml. i.e. slightly above the commercial limit of 20 ml. As per the custody certificate dated 11.09.2020 produced by counsel for the respondent, the petitioner has undergone 3 months 21 days of custody. The certificate further shows that there is no other case of similar nature lodged against her. Petitioner is a lady stated to be having 5 children out of which 2 are blind, which has been noticed by the Addl.Sessions Judge, Chandigarh. However, he declined the bail on account of the fact that the recovery falls under commercial quantity. It is submitted by counsel for the petitioner that the CFSL report is still awaited though the investigation is complete.

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Keeping in view the above fact that the petitioner would be entitled for the benefit of interim bail, in view of the judgment of the Division Bench in **Inderjeet Singh @ Laddi Vs. State of Punjab 2014 (3) RCR (Criminal) 953** since the FSL report is awaited. Thus, this Court is of the opinion that no useful purpose would be served in keeping the petitioner in custody since the functioning of the Courts have been hampered due to COVID-2019 pandemic and the trial would take considerable time to complete.

Resultantly, the present petition is allowed and the petitioner shall be released on regular bail, to the satisfaction of the Ilaqa/Duty Magistrate, Chandigarh.

SEPTEMBER 11, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No