

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

**CRM-M-38905-2019
Date of decision: 13.02.2020**

Jaspal Kaur @ Suman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 52 dated 21.03.2019, registered under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala.

The first petition, bearing CRM-M-24070-2019, was filed by the petitioner seeking interim bail awaiting the FSL report, however, since the FSL report was received, the said petition was dismissed as withdrawn on 26.08.2019.

Learned counsel for the petitioner submits that now the FSL report has been received and as per the same, the alleged recovery of 270 grams of intoxicant powder was in fact found to be '*Paracetamol*', which does not fall in the category of narcotic substances.

Learned counsel for the petitioner further submits that recovery of 11 injections of '*Buprenorphine*' 2 ml each, total 22 ml, is marginally

higher than the commercial quantity which is 20 ml.

Learned counsel for the petitioner further submits that petitioner is a lady and she is not involved in any other case. It is further submitted that petitioner is in judicial custody since 23.03.2019 and conclusion of trial is likely to take a long time.

Learned State counsel, on the basis of custody certificate dated 14.11.2019, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; half of the part of recovery was found to be not falling in the category of narcotic substances and other recovery is marginally higher than the commercial quantity and also in view of the fact that petitioner is in judicial custody since 23.03.2019 and conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

13.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No