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

(Through video conferencing)

**CRM-M No.1725 of 2020(O&M)
Date of Decision: 27.09.2021**

Rajni

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. IPS Kohli, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.192 dated 20.08.2019 registered under Section 21 of the NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala.

FIR was registered on the basis of suspicion with the background that one woman was seen coming by the police party and on seeing the police party, she threw the polythene bag from his right hand and turned back. She was apprehended. On being asked, she disclosed her name as Rajni

wife of Rajiv Kumar. She was asked about the polythene bag and she replied that medicines were present in the bag. On being searched, heroin and one computerized weighing scale were found present in the bag. On weighment, quantity of contraband was found to be 270 grams of heroin.

Learned counsel for the petitioner submits that the aforesaid FIR was lodged at about 6:25 PM on 20.08.2019. Police also registered a case bearing FIR No.193 dated 20.08.2019 under Section 22 of the NDPS Act in the same police station against her husband. 265 grams of intoxicant powder was allegedly recovered from her husband.

Per contra, learned State counsel submits that the recovery of 270 grams of heroin was commercial in nature and the petitioner was involved in the trade of narcotics.

Perusal of the custody certificate produced by the learned State counsel would show that the petitioner is not involved in any other case. The alleged recovery appears to be marginally in excess of quantity prescribed for commercial quantity.

Learned counsel for the petitioner refers to **Shinda Vs. State of Punjab, 2013(3) RCR (Criminal) 557** and **Lakhwinder Singh @ Bittu Vs. State of Punjab, 2012(22) RCR (Criminal)**

301 in the context of recovery being marginally in excess of the quantity prescribed for commercial quantity. Petitioner is in custody since 20.08.2019 and is not involved in any other case as per custody certificate produced by learned State counsel. Out of total 10 prosecution witnesses, 6 witnesses have been examined. The trial of the case may take some time in its culmination.

Taking into consideration the custody of the petitioner, nature of quantity allegedly recovered from the petitioner and in view of the fact that the petitioner is not involved in any other case, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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 opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 27, 2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No