

**CRM-M-2747-2020**

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

**CRM-M-2747-2020 (O & M)**

**Date of decision: 07.09.2021**

Kuldeep Kaur

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Kunwar Rajan, Advocate,  
for the petitioner.

Mr. Chaman Lal Pawar, Sr. DAG, Punjab.

**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through video conferencing.

**CRM-19329-2021**

Prayer in the present application is for an early hearing of the  
main petition.

Since the main petition is fixed for hearing today itself, the  
present application has become infructuous.

Disposed of accordingly.

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Status report dated 04.09.2021, by way of affidavit of the  
Deputy Superintendent of Police, Sub Division Kharar-II, filed in the Court  
today, is taken on record.

Through this petition, the petitioner seeks regular bail in case  
bearing FIR No.66 dated 09.08.2019, registered at Police Station City

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Kurali, under Section 21 NDPS Act, 1985 (for short, 'the Act').

As per the prosecution version, on 09.08.2019, recovery of 230 injections of Avil and 150 injections of Buprenorphine each containing 2 ml., was effected from the petitioner.

Learned counsel for the petitioner contends that the petitioner being a lady, has falsely been implicated in the present case. The recovery of 230 injections of Avil would not fall under the category of the drugs or psychotropic substances mentioned in the schedule of the Act. The issue whether or not Buprenorphine at Sr. No.169 of the notification/schedule of the Act, is a psychotropic substance, is debatable. He further contends that the recovery memo dated 09.08.2019 does not bear the signature of Lady Constable Antarpreet Kaur. He further contends that the petitioner has been in custody for the last 02 months and 24 days and the trial is going on at a snail's pace. There is no other case pending or registered against the petitioner.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery effected from the petitioner falls under the commercial quantity. However, he does not dispute the custody period of the petitioner. He also submits that out of 20 prosecution witness, only 04 have been examined.

I have heard the learned counsel for the petitioner.

Be that as it may, the fact remains that the petitioner has been in custody since 13.08.2019 and out of 20 prosecution witnesses, only 04 witnesses have been examined so far which indicates that the trial is going

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on at a snail's pace. The petitioner is not involved in any other case. Trial is unlikely to conclude any time soon, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

**07.09.2021**

parveen kumar

**(HARNARESH SINGH GILL)**

**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No