

CRM-16642-2021 in/and
CRM-M-16688-2021
Date of Decision: 30.06.2021

Jaspal Kaur @ Palo

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mohit Kumar, Advocate,
for the applicant-petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

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Vide this application, advancement of the date of hearing in the accompanying petition is sought, which otherwise stands adjourned to 31.08.2021, by which the applicant-petitioner seeks to be admitted to bail upon her having been arraigned as an accused in FIR No. 006, registered at Police Station Ahmedgarh, District Sangrur, on 14.01.2021, alleging therein the commission of offences punishable under the provisions of Section 22 of the NDPS Act, 1985.

Learned counsel reiterates what he had argued on 27.04.2021, to the effect that non-commercial quantity of the contraband was allegedly recovered from the petitioner, even as per the FIR; and therefore she deserves to be admitted to bail.

Notice in the application.

On the asking of the court, Mr. Sauravh Khurana, D.A.G., Punjab, accepts notice on behalf of the respondent-State and submits that he has already received instructions in the matter.

That being so, with the applicant-appellant stated to have been in custody since 14.01.2021 and the quantity of contraband stated to have been recovered from her (as per the investigating agency), having now been determined to be non-commercial quantity even as per the FSL report stated to have been received (as per instructions of learned State counsel), being less than commercial quantity, the application is allowed and the date of hearing in the accompanying petition is advanced to today itself.

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Though learned counsel for the petitioner also submits that the petitioner is a first time offender, however learned State counsel submits that as per his instructions, there is one more criminal case also registered against the petitioner under the provisions of the same Act.

The petitioner having been in custody for more than 05½ months now with the trial still to commence even as per the instructions of learned State counsel, and the quantity of contraband stated to have been recovered from her even as per the FIR (and the FSL report now received by the investigating agency), being well below commercial quantity, the petition is allowed. The petitioner shall be admitted to bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

At this stage, learned counsel for the petitioner submits that though the FIR is one in which the allegation is the commission of an offence punishable under the provisions of Section 22 of the NDPS Act,

1985, thereafter when the report under Section 173 (2) was submitted, Section 29 of the said Act was also added and consequently, the petitioner may be admitted to bail in respect of both offences.

Ordered accordingly.

June 30, 2021	(AMOL RATTAN SINGH)
nitin	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No.