

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

CRM-M-20528 of 2021

DECIDED ON: 8th JULY, 2021

Nirmal Kaur @ Nimo

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Naveen Bawa, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in case of FIR No. 100 dated 17.4.2021, under Sections 21(b), 29 of NDPS Act, 1985, registered at Police Station Chheharta, District Amritsar.

During routine patrolling, the police party on 17.4.2021, checked Activa bearing registration No. PB-02-CZ-6065, driven by Lovepreet Singh @ Laddoo. Nirmal Kaur @ Nimo (petitioner) was the pillion rider. Ten grams of heroin was recovered from the conscious possession of the petitioner and 50 grams from the driver of the Activa.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.4.2021. Submission is that recovery made was of non-commercial quantity. Learned counsel further submits that during custody period, the petitioner lost her husband.

Learned State counsel on instruction from Inspector Rajinder Singh, opposes the grant of bail and submits that the petitioner is involved in three more cases i.e. two under NDPS Act and one under IPC and the challan is yet to be filed.

Recovery from the petitioner is of non-commercial quantity. No recovery is to be made and even in two cases stated to be pending against the petitioner, the recovery was of non-commercial quantity. No useful purpose would be served by keeping the petitioner behind bars. The petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8th JULY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>