

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

Sr. No.220

CRM-M-22325-2021

Date of decision: 14.12.2021

Satinder Kaur @ Sandy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vijay Lath, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.184 dated 11.12.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Sri Chamkaur Sahib, District Rupnagar, Punjab.

The petitioner is being prosecuted for having been found in illegal possession of 18 ampoules measuring 2 ml each containing Buprenorphine Hydrochloride.

Learned counsel for the petitioner submits that the petitioner, who is a 32 year old lady, has been falsely implicated in this case; there is no other case pending against the petitioner under the NDPS Act; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the recovered ampoules of Buprenorphine Hydrochloride, as per Rule 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985 come within the prescribed number which the petitioner could possess without a prescription; the petitioner is a patient of HIV positive; she is hypertensive; she has recently been operated for hernia; she has also severe pain on the right hypochondrium for which she has been given symptomatic treatment; due to HIV her immunity is low leading to frequent cough and fever; in January 2022, the petitioner is to be operated for Cholecystectomy; while on interim bail granted by this Court, the petitioner did not misuse

such concession; investigation in the case is complete and that since in the petitioner's trial 12 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel admits to the medical ailments being suffered by the petitioner and that she did not misuse the concession of interim bail but opposes the grant of regular bail to her on the ground that if released on bail, she may indulge in similar offences.

Whether the petitioner was entitled to possess the recovered ampoules of Buprenorphine Hydrochloride would be debated during the course of her trial. However, the petitioner is in custody for over 08 months; she is a 32 year old lady; she is also HIV positive and hypertensive; she has recently been operated for hernia; she has also severe pain on the right hypochondrium for which she has been given symptomatic treatment; due to HIV her immunity would be low; in January 2022, the petitioner is to be operated for Cholecystectomy; while on interim bail granted by this Court, the petitioner did not misuse such concession; investigation in the case is complete and that since in the petitioner's trial 12 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rupnagar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 14, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)

JUDGE

Yes/No
Yes/No