

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 211

CRM-M-18487-2020

Date of decision : 18.02.2021

Barkha

..... Petitioner

VERSUS

State of UT, Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.K.Rana, Advocate, for the petitioner.

Mr.J.S.Toor, APP, UT Chandigarh.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.13 dated 30.01.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act), at Police Station Mauli Jagran, Chandigarh.

The petitioner is being prosecuted for being in illegal possession of 25 injections of buprenorphine.

Learned counsel for the petitioner submits that the petitioner who is a young girl aged 20 years, has been falsely implicated in the present case; she was not searched by a lady constable and therefore her search is violative of Section 50 of the NDPS Act; the police personnel who searched the petitioner is the investigating officer and therefore the entire investigation is tainted; the petitioner was arrested on 30.01.2020 and remained in custody till 02.08.2020 after which she was released on interim bail under orders of this Court; she is not involved in any other case under the NDPS Act; the petitioner did not misuse the grant of interim bail; report under Section 173 Cr.P.C has already been filed and therefore she is not in a position to influence the investigation and her trial in which 15 prosecution witnesses remain to be examined, is likely

to take a long time to conclude.

Learned counsel for UT, Chandigarh opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 25 injections of buprenorphine and that if released on bail she may indulge in similar offences.

The petitioner is a young girl aged 20 years; she is not involved in any other case under the NDPS Act; report under Section 173 Cr.P.C. has already been filed and therefore she is not in a position to influence the investigation; while on interim bail she has not misused such concession and that her trial where 15 prosecution witnesses remain to be examined, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

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, Chandigarh 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.

18.02.2021

shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No