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

(Through video-conferencing)

CRM-M No.27074 of 2021

Date of Decision: 23.07.2021

SHIFALI @ PUNAM SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 48 dated 31.03.2021 registered under Section 18 of the NDPS Act at Police Station Shambhu, District Patiala.

As per prosecution story, one lady was carrying a bag in her hand and she alighted from some vehicle. On seeing the police party, she turned back. She was stopped by the police party on suspicion. On being asked, she disclosed her name as Shifali @ Punam Singh. An offer was given in terms of Section

50 of the NDPS Act, but she reposed faith in the police officer and thereafter SI Gurmeet Singh proceeded to effect recovery of 3 kgs. 500 grams of opium from the bag.

Learned counsel for the petitioner submitted that even in case of chance recovery, if offer is given to the suspect under Section 50 of the NDPS Act, then the compliance of Section 50 of the NDPS Act becomes mandatory. In case of reposition of faith also the Investigating Officer is required to take the suspect to the nearest Magistrate.

Learned counsel placed reliance upon **Gurjant Singh @ Janta Vs. State of Punjab, 2013(4) RCR (Criminal) 874; State of Rajasthan Vs. Parmanand and another, 2014(2) RCR (Criminal) 40 and Vijaysinh Chandubha Jadeja Vs. State of Gujarat, 2010(4) RCR (Criminal) 911.**

The factual position of the case could not be disputed by learned State counsel, however he opposed the bail on the premise that recovery of 3 kgs. 500 grams of opium is huge recovery and the same falls under the commercial category.

In view of aforesaid factual position on record, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

The present petition is allowed. Petitioner is ordered to

be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 23, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No