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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-42264-2021 in/and
CRM-M-36528-2021
Date of Decision: 21.12.2021

Manju Rani

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Sharma, Advocate for applicant-petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-42264-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Ms. Jaspreet Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-36528-2021

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.94 dated 18.07.2021 registered under Sections 20/22/25/61/85 NDPS Act at Police Station Dhanaula, District Barnala. The petitioner is in custody since her arrest on 18.07.2021.

The FIR was registered on the basis of a secret information and

order dated 25.08.2021 are as under:

“As per the prosecution version, on the receipt of secret information against Dari Singh accused/non-applicant, Mangu Singh and Manju Rani accused/applicants and FIR was got registered against them. Then further investigation was carried out by SI Harsimranjit Singh and he has apprehended the above said three accused persons and from the possession of Dari Singh accused/non-applicant and Mangu Singh accused/applicant 1340 loose intoxicant tablets of white colour and from the possession of accused/applicant Manju Rani 2 kg 300 gram Ganja were recovered. That this recovery of 1340 intoxicant tablets and Ganja of 2 kg 300 gram was recovered at a one spot and all the accused persons were apprehended at the spot jointly.”

Learned counsel for the petitioner has argued that from petitioner only 2 kgs and 300 grams of Ganja was recovered, whereas 1340 intoxicating tablets were recovered from co-accused, namely, Dari Singh and Mangu Singh. Learned counsel has invited the attention of the Court to the application moved by the police for remand of the accused, wherein it is mentioned that the petitioner Manju Rani was holding a plastic bag containing Ganja. He submits that the recovered quantity of Ganja would fall under non-commercial quantity, and as the investigation of the case is complete, her further custody may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Hardhan Singh, has opposed the prayer, however, she does not dispute the fact that the quantity of Ganja is non-commercial in nature, but the entire intoxicating substance would be commercial in nature. It is also not disputed that the challan was presented on 30.11.2021. She has produced the custody certificate dated 20.12.2021 filed by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 30.11.2021, but the trial is

yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 18.07.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

21.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No