

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

**CRM-M-36965-2021
Date of Decision : 16.12.2021**

Charanjeet Kaur @ Charno

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. L.S.Sekhon, Advocate
 for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 188 dated 22.06.2021 under Section 22 of NDPS Act, 1985 registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner argues that in the present case, two accused were arrested, namely, Charanjeet Kaur @ Charno alongwith co-accused, Jagsir Singh @ Laghu. Learned counsel submits that from the petitioner, 190 intoxicant tablets of tramadol were recovered and from the co-accused 200 intoxicant tablets of tramadol were recovered. Learned counsel submits that by combining the quantity of recovered contraband, the same is being treated as commercial in nature whereas, the petitioner and the co-accused are not related to each other and even in the recovery memo, separate recoveries have been shown, therefore, the present case is not of recovery of the contraband which is commercial in nature. Learned counsel submits that as investigation is already over, and the challan has been presented, and the trial is likely to take some time, the petitioner may be extended the benefit of regular bail.

Learned State counsel concedes the factum that the recovery was

effected from two persons separately and from the petitioner, recovery of 190 intoxicant tablets of tramadol, if same is taken into consideration by excluding the contraband recovered from co-accused, does not fall within the definition of commercial quantity so as to invite the rigors of Section 37 of NDPS Act, 1985. Learned State counsel further submits that there are no other cases pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Quantity of the contraband recovered from the petitioner is commercial in nature or not is a debatable in the facts and circumstances of this case and as the investigation is already over and there are no other cases pending against the petitioner and the trial is likely to take some time before it concludes, no useful purpose would be achieved by keeping the petitioner behind the bars as the learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted bail, she would not interfere with the trial or the witness in any manner and will maintain good conduct.

In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

16.12.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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