

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.42015 of 2020 (O&M)
Date of Decision.28.05.2021
(Heard through VC)

Pinder Kaur

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

-.-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.130 dated 12.06.2020 under Section 22 of the NDPS Act registered at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the said FIR as no independent witness had been joined at the time of recovery of alleged contraband from the possession of the petitioner. It is further argued that the version of prosecution that the contraband was in a transparent bag is a debatable issue, as in any case a person, engaged in the trade of contraband would not carry the contraband in a transparent bag so as to expose the same in public domain. In support of his argument, he relies upon the order passed by this High Court in CRM-M No.14576 of 2021 dated 07.04.2021 whereby co-accused has been allowed bail by this Court. The alleged recovery effected in the instant case is of 2750 tablets of tramadol hydrochloride from the possession of two persons. No recovery is to be

effected from the petitioner and therefore, his custodial interrogation would no longer be required.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioner by contending that the recovery effected from the petitioner falls under commercial quantity but he does not dispute the fact that the bag from which recovery is made was transparent.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation is complete and the challan stands presented and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

May 28, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No