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

CRM-M-6769-2022

Date of decision:22.02.2022

KULWINDER KAUR @ KULBINDER AND OTHERS

...Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Shaveta Sanghi, Advocate with
Mr. Sandeep Vashisht, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. FIR No.457 of 24.12.2021, constitutes therein offences under Section 15 of NDPS Act, and, is lodged at Police Station Sadar Dabwali, Sirsa, District Sirsa.

2. In pursuance to the afore lodged FIR at the Police Station (supra), the bail applicants are in judicial custody since 24.12.2021. Consequently, through the instant application cast under Section 439 of the Cr.P.C., they claim relief, for theirs being ordered to be released from judicial custody.

3. Learned State counsel on instructions, meted to him, by SI Rajbir submits before this Court, that 35 kg of poppy husk, became recovered from the alleged conscious, and, exclusive possession of the

accused. He also fairly submits, that the weight of the above seizure falls within intermediate quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act are not applicable thereon, and, the bail applicants are entitled to theirs being admitted to bail.

4. Learned State counsel also submits, that the investigations are still underway in the FIR supra. However, the afore factum may not work as a valid obstacle against this Court, ordering for the release of the bail petitioners from judicial custody.

5. Consequently, it is not necessary to prolong the judicial incarceration of the bail applicants. Therefore, the instant petition is allowed, and, the petitioners-bail applicants are ordered to be released from judicial custody. However, the granting of bail to the bail applicants-petitioners, is subject to theirs furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, also subject to theirs not influencing prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their personal appearance unless validly exempted.

6. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

22.02.2022

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Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No