

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-10702-2022

Date of Decision: 17.3.2022

Sanjeet Kaur

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.482 dated 1.10.2021 registered for the offences punishable under Sections 20, 61, 85 of NDPS Act at Police Station Palla, District Faridabad.

Counsel for the petitioner contended that the petitioner was falsely implicated in this case which is relating to alleged recovery of 93 grams of smack (Heroin) from the possession of the petitioner on 1.10.2021.

It is further contended that the petitioner is in custody since 1.10.2021 and after completion of investigation, challan was presented but charges are yet to be framed.

Counsel for the petitioner made prayer that the present case being relating to recovery of non commercial quantity of contraband, the petitioner is entitled to grant of regular bail.

Counsel for the State opposed the present petition but at the

same time, did not refute the factual position regarding completion of investigation and the fact that the present case falls within non-commercial quantity of contraband.

The case is relating to recovery of 93 grams of smack (Heroin) from the possession of the petitioner on 1.10.2021 and since then, she is in custody. Admittedly, challan has been presented but charges are yet to be framed by the trial Court. Counsel for the State on instructions from ASI Kamaljit Singh clarified that the petitioner is not involved in any other case of similar nature.

It will take time for conclusion of trial which is yet to commence. Undisputedly, recovery of 93 grams of smack (Heroin) comes under non-commercial quantity of contraband and thus, stringent provisions of Section 37 of NDPS Act are not applicable to the case in hand. Therefore, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 17, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No