

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-13451-2022
Decided on :05.04.2022

Sonia @ Girja Devi

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 337 dated 17.11.2021 under Sections 20 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Derabassi, District Mohali.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery from the petitioner, who is a lady, is 4 kg. of Ganja and the said quantity is much lower than the stipulated commercial quantity which starts from 20 Kgs. It is further submitted that the petitioner is not involved in any other case and the investigation is complete and challan in the present case has already been presented

and there are as many as 14 witnesses out of whom, none have been examined as yet and thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted the petitioner alongwith the co-accused were walking and were not in any vehicle and that although, the recovery effected from the petitioner is 4 kgs. of Ganja which is non-commercial quantity but the recovery effected from the co-accused is 21.200 kgs. of ganja and the said co-accused is the husband of the petitioner.

This Court has heard learned counsel for the parties and has perused the paperbook.

It is not in dispute that the alleged recovery effected from the petitioner is 4 kgs. of Ganja which is much lower than the stipulated commercial quantity which starts from 20 kgs. It is also not in dispute that the petitioner alongwith the co-accused were walking and were not in any vehicle. The petitioner is not involved in any other case and the investigation is complete and the challan in the present case has already been presented and there are as many as 14 witnesses, out of whom none have been examined, thus, the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to her not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

April 5th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No