

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15877-2022 O&M)

DATE OF DECISION: AUGUST 24, 2022

KAMLESH RANI

...APPELLANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. SIDHU, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

CRM-30014-2022

This is an application for preponing the date of hearing of the main petition to an early date which is fixed for 19.9.2022.

Notice in the application.

At this stage, Mr. Kunal Muthreja, AAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is preponed to today.

CRM-M-15877-2022

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.103 dated 2.7.2021, under Section 22 NDPS Act, Police Station City Patti, District Tarn Taran, who is in custody since 9.3.2022.

As per the allegations levelled in the FIR, SI Amandeep Kaur alongwith other police official was patrolling in a government vehicle towards City Patti and when she reached near Shaheed Bhagat Singh School, Patti, then a special informer informed her that Kamlesh Rani, who

was running a grocery shop, sells intoxicant tablets and if a raid is conducted, heavy quantity of intoxicant tablets and other material can be recovered from her. On the said information, a raid was conducted and one black polythene bag carried by Kamlesh was recovered, while she tried to slip away on seeing the police party. On search, 1280 loose intoxicant tablets, colour white and 220 loose intoxicant tablets colour orange, totalling 1500 tablets and Indian currency worth ₹9050/- were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner was extended the concession of interim regular bail vide order dated 23.9.2021, as the FSL report was not filed and she remained on bail upto 9.3.2022, when she surrendered before the trial Court. He submits that neither the petitioner is involved in any other case, much less of similar nature, nor the concession on interim bail was ever misused, therefore, her further detention may not necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Balwinder Singh opposes the aforesaid prayer on the ground that the recovered contraband (1500 tablets) would fall within the ambit of commercial quantity, but he fairly states that for six months the petitioner remained was on interim regular bail. He on instructions further states that in all there are eight prosecution witnesses and only three have been examined so far.

Considering the above background, custody of the petitioner, who is a lady and the fact that the trial is likely to consume considerable time to conclude, therefore, her further detention may not serve any useful

purpose. The material witnesses are the police officials and at present there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 24, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No