

CRM-M-35240-2022 (O&M)
Date of Decision: 17th August, 2022

Paramjeet Kaur and another

Petitioners

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anmol Puri, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 45 dated 4.5.2022, under Section 15 of the Narcotic Drugs & Psychotropic substances Act, 1985 registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioners claims parity with co-accused Amandeep Kaur who was granted regular bail by this court on 25.7.2022 by passing the following order :-

“Petitioner is seeking regular bail in case of FIR No.45 dated 4.5.2022, under Section 15 of NDPS Act, registered at Police Station Julkan, District Patiala.

As per the case set up, on 4.5.2022 police party saw three ladies carrying plastic bags on their head, on seeing the police party all the three of them threw the bags and tried to flee. They were apprehended and from each bag, 25 kgs of Poppy Husk was recovered.

Learned counsel for the petitioner submits that it is a case of false implication. He further submits that as per recovery memo 25 kg of Poppy husk was recovered from the petitioner i.e. non-commercial quantity. Petitioner is not involved in any other case.

Learned State counsel opposes the prayer and submits that all the three accused were from the same family, total recovery was 75 kgs and it is commercial.

Without commenting upon the merits of the case, considering that it would be a debatable issue as to whether the entire recovery is to be attributed to all the three accused when as per recovery memo the bag carried by the petitioner was having 25 kgs of Poppy husk, considering that investigation and conclusion of trial is likely to take time, the petitioner has no criminal antecedents, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.”

Learned counsel for the State though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioners qua the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case, considering the nature of allegations against the petitioners, the recovery is of non-commercial quantity, the petitioners have no criminal antecedents and the conclusion of investigation and trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

17th August, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No