

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

209-A

**CRM-M-37851-2022 (O&M)
Decided on : 30.08.2022**

Rajni

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner(s).

Mr. A.S. Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

CRM-30702-2022

This is an application, under Rule 3(A)(i), Chapter 6, Part-B, Volume-V, of the High Court Rules and Orders, seeking leave to appear, act or plead before this Court.

For the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-37851-2022

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Rajni, who has been booked for having committed the offence punishable under Sections 20, 21, 22 of the NDPS Act, 1985, in FIR No. 150, dated 28.06.2022, registered at Police Station City Sri Muktsar Sahib, Distt. Sri Muktsar Sahib and Section 27-B of the NDPS Act, 1985, has been added vide Rapat No. 47, dated 11.07.2022, during the pendency of trial.

At the outset, learned State counsel has filed the custody certificate dated 29.08.2022 in Court today. Same is taken on record, subject

to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned counsel for the petitioner submits that it is a case where recovery of 150 tablets of Cypremal-100 have been effected from the petitioner. As per submissions of learned counsel for the petitioner, recovery of the said contraband is non-commercial and as per the custody certificate filed by the learned State counsel in Court today, no other case is registered against the petitioner.

He further submits that learned Court below has failed in considering the totality of circumstances and no weightage has been given to the fact that petitioner is not involved in any other case including under the NDPS Act. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel vehemently opposes the bail application by submitting that that offence under the NDPS Act, is serious offence and now in the State of Punjab, women are also involved in large numbers in committing offences under NDPS Act, and to control this dangerous trend, petitioner should not be granted the concession of bail.

After considering the submissions of both the sides, and the totality of circumstances, and perusing the record with their able assistance, I find that there is some substance in the contentions raised by the counsel for the petitioner. Petitioner, who is a woman stated to be aged around 32 years, and no other case has ever been registered against her except the present one. Quantity recovered from her possession, is non-commercial quantity and she

is already inside jail since 30.06.2022.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqua Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

August 30, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No