

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-38545-2022

Date of decision: - 29.10.2022

Mahinder Kaur

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kamal Narula, Advocate,
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.112 dated 07.07.2022, registered under Section 21/61/85 of the Narcotic Drugs & Psychotropic Substances Act (Sections 353, 332, 186, 224, 225, 148 and 149 IPC have been added later on), at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner has submitted that the petitioner is a 42 year old lady and has been falsely implicated in the present case and has been in custody since 07.07.2022 and the investigation is complete and the challan has been presented and there are 20 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is

not involved in any other case and the alleged recovery effected from the present petitioner is 10 grams of heroin, which is far lesser than the commercial quantity as the stipulated commercial quantity for heroin starts from 250 grams.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that on the basis of secret information, a raid was conducted in the house of the petitioner and recovery of 10 grams of heroin was effected from the petitioner, thus, she does not deserve the concession of regular bail.

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

The petitioner is a 42 year old lady and has been in custody since 07.07.2022 and the investigation is complete and the challan has been presented and there are 20 prosecution witnesses, out of whom none have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the recovery from the petitioner is 10 grams of heroin, which would fall under the category of non-commercial quantity as the stipulated commercial quantity for heroin starts from 250 grams and thus, the bar under Section 37 of the NDPS Act would not apply.

Keeping in view the above-said 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, subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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 petition.

October 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No