

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

CRM-M-42466-2021 (O&M)
Date of Decision:- 25.2.2022

Tarsem Kaur @ Semo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S. Simble, Advocate for the petitioner.

Mr. M.S. Dullat, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against her vide FIR No. 69 dated 21.7.2021 under Section 22 of the NDPS Act at Police Station Sadar Nawashahar, District SBS Nagar.
2. The case of the prosecution is that on 21.7.2021 when a police party was present in the area of canal bridge, village Jabowal in connection with patrolling and checking of suspicious persons, then a woman who was carrying a black coloured polythene in her right hand was noticed coming on foot from the side of village Jabowal. The said woman, upon seeing the police party, turned back and threw the polythene bag which was being carried by her. She was apprehended on the basis of suspicion and upon inquiry, she disclosed her name as Tarsem Kaur @ Semo. The polythene bag was found to contain 12 injections of 'Buprenorphine', 2 ml each, apart from 8 injections of 'Avil'.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case the allegedly recovered contraband is marginally above the quantity prescribed as 'commercial quantity', therefore, the petitioner, who is a lady and has been behind bars since the last about 7 months deserves the concession of bail.
4. On the other hand, the learned State counsel has submitted that since it is a case of recovery of 'commercial quantity' of contraband, the fetters imposed by Section 37 of the NDPS Act would be attracted and since the petitioner happens to be involved in six other cases under NDPS Act, she does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that it is a case where the petitioner was caught red-handed while in possession of a 'commercial quantity' of contraband and while also noticing her antecedents inasmuch as she happens to be involved in six other cases of NDPS Act, the petitioner does not deserve to be released on bail, particularly keeping in view the fetters imposed by Section 37 of the NDPS Act.
7. The petition is sans merit and is dismissed.

25.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No