

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

219

CRM-M-42012-2022 (O&M)
Date of decision : 27.10.2022

Sona

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-34401-2022

For the reasons mentioned in the application, the same is
allowed.

CRM-M-42012-2022

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.307 dated 09.07.2022 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station City Barnala, District Barnala.

Brief facts of the case are that on 09.07.2022, the police party headed by ASI Charanjit Singh were present near Balmik Chowk, Barnala for doing patrolling duty. At 5:30 p.m., he received a secret information that Sona (the petitioner) w/o Vicky Singh, who is habitual of selling the intoxicant tablets, roaming in the area of Dusshera

Ground, Barnala to sell the intoxicant tablets. On the said information, the case was got registered against the petitioner and she was apprehended in the jurisdiction of Dusshera Ground, Barnala. On Search, 508 intoxicant tablets were recovered from her possession.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Even otherwise the contraband recovered from the petitioner falls under the category of non-commercial quantity. Rigorous of Section 37 of the NDPS Act shall not be applicable to the present case. However, learned Court below while deciding the bail application of the petitioner wrongly clubbed the recovery of co-accused Banti along with alleged recovery from the petitioner and held that the same falls under the category of commercial quantity. The quantity recovered from the petitioner, who was arrested on 09.07.2022 and her co-accused Banti, who was arrested on 11.07.2022, cannot be clubbed together and has to be considered individually. In support of his submissions, learned counsel for the petitioner has placed reliance upon the order passed by this Court in ***CRM-M-29038-2022 titled as 'Navneet Kaur @ Neetu Vs. State of Punjab' decided on 14.07.2022***. The petitioner was in custody since 09.07.2022. The petitioner is not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply filed by way of an affidavit dated 27.10.2022 of Sh. Satvir Singh, PPS, Deputy Superintendent of Police,

(SD), Barnala which is taken on record.

Custody certificate dated 25.10.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is in custody for more than 03 months and she is not involved in any other case.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the paper-book.

Keeping in view the facts and circumstances of the case, period of custody, the fact that the contraband recovered from the petitioner falls under the category of non-commercial quantity and also the fact that the trial is likely to take long time but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Sona is ordered to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if she is found involved in any other criminal activity during the period of bail.

27.10.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No