

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

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CRM-M-48266-2022
Date of decision : 21.10.2022

Manpreet Kaur @ Soni

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Jaskamal Singh Grewal, Advocate
for the petitioner.

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

ASHOK KUMAR VERMA, J. (ORAL)

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.99 dated 03.08.2022 registered under Sections 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Khamano, District Fatehgarh Sahib.

Brief facts of the case are that on 03.08.2022 the police party headed by ASI Kulwinder Singh was on patrolling duty. On suspicion, they have apprehended the petitioner-Manpreet Kaur @ Soni and her husband-Gaganjot Singh while they were coming in gray coloured car bearing registration No.PB-49-C-6895. The husband of the petitioner was driving the car and the petitioner was sitting on the passenger seat. On search, 50 grams smack from the purse of the petitioner and 250 grams smack from the hand bag carried by her husband were recovered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The mandatory provisions of the NDPS act were not complied in the present case. Even otherwise the alleged recovery effected from the petitioner falls under the category of non-commercial quantity. The quantity recovered from the petitioner and her husband cannot be clubbed together and has to be considered individually. The petitioner was in custody since 03.08.2022. 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 on the ground that the petitioner and co-accused (husband of the petitioner) were arrested for having kept in their possession 50 grams and 250 grams of smack, respectively, without any licence or permit.

Custody certificate dated 20.10.2022 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 02 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-Manpreet Kaur @ Soni 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.

21.10.2022
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(ASHOK KUMAR VERMA)
JUDGE

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