

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

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CRM-M-53774-2021

Date of Decision : January 06, 2022

KESO RANI @ KRISHNA DEVI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

2.

CRM-M-53855-2021

SUNNY SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. T.P.S.Makkar, Advocate
for the petitioner in both the petitions.

Mr. Sandeep Singh |Deol, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

Both the petitions are being taken up together as the same are arising out of the same FIR.

The learned counsel for the petitioner(s) has submitted that both the petitioners have been falsely implicated and they are in custody since 28.10.2021. He submitted that even as per the allegations in the FIR, there was an alleged recovery of only 1 kg of ganja from three persons which is otherwise also a small quantity. He further submitted that it was only a case of enmity and false implication and particularly in

view of the fact that the petitioners are not involved in any other case and they have got clean antecedents. He has submitted that the learned Sessions Court while dismissing the bail application has wrongly recorded that the alleged recovery was of a commercial quantity whereas 1 kg of ganja is only a small quantity under the scheduled of NDPS Act. He has further submitted that the investigation is already complete and the challan has been presented before the competent Court and, therefore, the petitioners may be considered for the grant of regular bail. He submitted that so far as the petitioner in CRM-M-53774-2021 is concerned, she is a lady of the age of 50 years.

On the other hand, Mr. Deol, learned Deputy Advocate General, Punjab has submitted that it is correct that the alleged recovery was only of 1 kg of ganja which is not a commercial quantity. He submitted that it is also correct that both the petitioners are in custody since 28.10.2021 and the investigation of the case is already complete and the challan has been presented before the competent Court. He further submitted that it is also correct that both the petitioners are not involved in any other case.

I have heard the learned counsels for the parties.

The custody period of both the petitioners is not in dispute. It is also not disputed by the learned State counsel that the investigation of the case is already complete and the challan has also been presented before the competent Court. It is not disputed that the alleged recovery was of 1 kg of ganja which is a small quantity under the schedule of the NDPS Act. The learned State counsel has also not disputed that both the

petitioners are not involved in any other case.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant bail to both the petitioners.

Consequently, both the petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 06, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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