

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

CRM-M-58947-2022 (O&M)

Date of Decision: 21.12.2022

SARABJIT KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Samridhi Sareen, Advocate
for the petitioner.

Mr. Gurdarshan Singh, AAG Pujab.

DEEPAK MANCHANDA J.

The petitioner is seeking regular bail in the case bearing FIR No. 149 dated 04.10.2022, under Sections 21(b) of NDPS Act, registered at Police Station Nathana, District Bathinda.

As per the allegations leveled in the FIR, when a police party was patrolling on the Bucho Railway track road towards village Lehra Khana, at about 5.30 p.m. a woman was found sitting on a roadside carrying a transparent polythene which was found to be suspicious. The woman was nabbed and on checking, 10 gms. of Heroin was recovered from her, who disclosed her name as Sarabjit Kaur.

Learned counsel for the petitioner contends that the alleged contraband recovered from the petitioner is a small quantity and non-commercial in nature and submits that the investigation of the case is complete and challan stands filed on 2.12.2022. Learned counsel further submits that the trial of the case is yet to commence, therefore, prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Chamkaur Singh has opposed the aforesaid prayer and filed his custody certificate. However, he has not disputed that the investigation of the case is complete and the challan stands filed.

Considering the aforesaid background, the quantity of contraband recovered and the fact that challan has already been filed and the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

21.12.2022
S.Gulati/Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No