

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-2411-2023

Date of decision: 10.08.2023

Pooja @ Kajal

.....Petitioner

Versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Meghna Nehra, Advocate for
Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP, U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.124 dated 15.09.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station West Sector 11, Chandigarh.

2. Learned counsel for the petitioner submits that a false case has been planted upon the petitioner for having been found in possession of 15 injections of Buprenorphine. She submits that the recovered contraband is just marginally higher than the quantity classified as commercial quantity i.e. 20 grams. She submits that the recovered contraband was about 30 grams. Learned counsel further submits that after the petitioner was arrested on a mere suspicion on 15.09.2022, charges had been framed on 26.05.2023 and only 01 prosecution witness out of the 15 has been examined till date. Hence,

there was no likelihood of the trial concluding in the near future.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner was involved in any other case under the NDPS Act, she has fairly conceded that though the petitioner was involved in 02 cases under the Gambling Act, however, she had never been involved in any other case under the NDPS Act.

4. Per contra, while opposing the prayer and submissions made by the counsel opposite, learned State counsel has submitted that the recovery effected from the petitioner fell under the commercial quantity, though marginally higher, than the minimum classified as commercial quantity. However, he has not been able to dispute that the petitioner is not involved in any other case under the NDPS Act. Learned State counsel has further submitted that the next date fixed before the Trial court is 28.08.2023 when some more prosecution witnesses are likely to be examined.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody for close to 01 year having been arrested on 15.09.2022 and as on date only 01 prosecution witness out of the 15 cited, stands examined till date. The trial, thus, is going to take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

10.08.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No