

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8782 of 2023

Date of Decision: 13.04.2023

Sonia @ Soma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Nitin Meel, Advocate for
Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.10 dated 11.01.2021 under Sections 22 & 29 of NDPS Act registered at P.S Barnala, District Barnala.

As per the prosecution version, on 11.01.2021 when Inspector Baljit Singh was present in his office, he received a secret information that Sonia @ Soma used to bring the intoxicant tablets from outside and sell the same in the courtyard of Sansi or from her house. She was in possession of huge cache of intoxicant tablets and if she was apprehended, the said contraband could be recovered from her possession. Pursuant to the said information, ruqa was sent for the registration of case against her. Upon the registration of the FIR, SI Sharif Khan along with other police officials was sent from CIA, Barnala and then the petitioner was arrested. From her possession, 35 strips of intoxicant tablets make Celcidal-100 SR total 350 tablets and 70 strips of intoxicant tablets make Clovidol-100 SR total 700 intoxicant tablets were recovered.

Total 1050 intoxicant tablets were recovered from her and the ingredient present of

mg/tablet and the ingredient present of 700 tablets is Tramadol Hydrochloride and average weight of each tablets is 409.53 mg/tablet, which is way above the commercial quantity i.e 250 grams.

Ld. counsel for the petitioner submits that false recovery has been foisted upon the petitioner. The petitioner has been in custody since 11.01.2021 and that there is no other criminal case registered against her. He contends that the trial is at a preliminary stage and there is no likelihood of completion of trial in the near future and in view of delayed trial and keeping in the mind the right to a speedy trial, the petitioner can be granted bail.

In support, he relies upon the decisions of the Hon'ble Supreme Court in SLP(Crl.) No.4173/2022 titled Shariful Islam @ Sarif vs. The State of West Bengal decided on 22.03.2022, SLP(Crl.) No.5769/2022 titled Nitish Adhikary @ Bapan vs. The State of West Bengal decided on 04.05.2022, Criminal Appeal No.1169 of 2022 titled Gopal Krishna Patra @ Gopalrusma vs. Union of India decided on 05.08.2022 and Special Leave to Appeal (Crl.) No.3961/2022 titled Abdul Majeed Lone vs. Union Territory of Jammu and Kashmir decided on 01.08.2022, where bail has been granted taking into account the custody of the petitioners and the stage of the trial.

Learned State counsel, on instructions from ASI Jasbir Singh, does not dispute the custody period. It is stated that charges have been framed but no PW has been examined so far.

Without commenting upon the merits of the case and taking into consideration all the factors and parameters, as propounded in the aforesaid judgments apart from bearing in mind the custody period as also the fact that the trial is not likely to be concluded in near future the present petition is allowed. The petitioner Sonia @ Soma is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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It is made clear that if the petitioner involves herself in similar type of activity, while on bail, the State shall be at liberty to move for cancellation of her bail.

April 13, 2023
manoj

**(HARINDER SINGH SIDHU)
JUDGE**