

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-9839-2023 (O&M)
Date of decision: 01.08.2023

GEETA @ ANITA RANI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vidit Bansal, Advocate for
Mr. Parveen Bansal, Advocate
for the applicant-petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-9116-2023

Application is allowed as prayed for.

Main case:

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.290 dated 04.09.2017, under Section 22 of the NDPS Act, at Police Station Nakodar, Jalandhar. The first regular bail petition was withdrawn and in second petition, the petitioner was granted interim bail but the same was not availed by her.

Status report by way of affidavit dated 24.07.2023 of the Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) already filed in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was declared as

a proclaimed offender vide order dated 08.07.2019 and she herself surrendered on 26.08.2019 and she has been in custody for the last 04 years, 02 months and 12 days; that the recovery has already been effected; that only 03 out of 13 prosecution witnesses, have been examined so far and that in another NDPS case, the petitioner stands acquitted and in FIR No.287 dated 04.09.2017 registered under Sections 379-B, 379, 411 IPC, she is on bail.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 15.03.2023 passed by Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 1166-2023 titled as 'Chet Ram @ Ram Veer Vs. Union of India'.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner, but submits that the recovery effected from the petitioner falls under the commercial quantity and that Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity. The petitioner is a habitual offender and is involved in another case under the NDPS Act. He further submits that out of 13 prosecution witnesses, 03 have been examined.

I have heard the learned counsel for the parties.

Though the recovery effected from the petitioner falls under the commercial quantity, yet the fact remains that as per the custody certificate, the petitioner has been in custody for the last 04 years 02 months and 12 days; that as far as another case under NDPS Act is concerned, the petitioner stands acquitted and in another case FIR No.287 dated 04.09.2017 registered under Sections 379-B, 379, 411 IPC, she is on bail. Remaining 10 prosecution

witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

01.08.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No