

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-20991 of 2023(O&M)
Date of Decision: 12.05.2023

Meena Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Jashandeep Singh Sandhu, Advocate
For the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 03 dated 06.01.2023, registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Barnala.

2. The allegations in nutshell are that on 06.01.2023 police apprehended Pammo Kaur and Gagandeep Singh and recovered 730 loose medical intoxicant tablets from them and on their arrest both of them disclosed that they brought the said medical intoxicants from the petitioner and then petitioner was arrested on 06.01.2023 and 220 loose medical intoxicants tablets were recovered from her.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure

statement made by Pammo Kaur and Gagandeep Singh and the same is subject matter of trial. The counsel for the petitioner further submits that the alleged recovery of medical intoxicants effected from the petitioner comes under non commercial quantity and even the alleged recovery made from co-accused Pammo Kaur and Gagandeep Singh also comes under non commercial quantity. The counsel for the petitioner further submits that the petitioner has nothing to do with the alleged recovery effected from Pammo Kaur and Gagandeep Singh. The counsel for the petitioner further submits that the recovery effected from the present petitioner is not covered under the embargo provided in Section 37 of the Act and that the petitioner is incarcerated since 06.01.2023 and police has presented the challan but the trial is yet to commence. The counsel for the petitioner further submits that the petitioner is having no criminal history and is entitled to grant of regular bail.

4. The present petition is resisted by the State counsel who on instructions from SI Amar Nath submits that police recovered 730 tablets of medical intoxicants from Pammo Kaur and Gagandeep Singh and the same comes under non commercial quantity. It is further submitted that on the disclosure statement made by said two accused, the petitioner was arrested on 06.01.2023 and 220 tablets of medical intoxicants were recovered from her and the same also comes under non commercial quantity. However, the State counsel has not disputed the fact that after completion of investigation challan has been presented but the trial is at its initial stage and further the petitioner is having no criminal history.

5. I have considered the submissions made by counsel for the parties.

6. Initially, Pammo Kaur and Gagandeep Singh were arrested by the police and 730 medical intoxicant tablets were recovered from them. As per State counsel, on their analysis, the said tablets were found to be of Tramadol Hydrochloride and they come under non commercial quantity. After their arrest, Pammo Kaur and Gagandeep Singh made disclosure statement and then petitioner was arrested along with 220 medical intoxicant tablets on 06.01.2023 and the said tablets were also found to be of Tramadol Hydrochloride, as per the report of FSL and they also fall in category of non-commercial quantity. The admissibility and veracity of the disclosure statement, if any, made by the co-accused Pammo Kaur and Gagandeep Singh will be tested during trial. So, apparently, the case of the petitioner comes under non-commercial quantity and thus, the stringent provisions of Section 37 of the Act are not attracted to the same. Further, the petitioner is in custody for the last more than 04 months and the trial is at its initial stage and petitioner is having no criminal antecedents, so no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.05.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No