

CRM-22457-2023

2023:PHHC:069880

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-22457-2023

Date of Decision: 15.05.2023

Sukhjeet Kaur @ Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner-Sukhjeet Kaur @ Rani (now confined in Women Jail, Bathinda) in FIR No. 20, dated 10.02.2023, under Section 21 of NDPS Act, 1985 registered at Police Station Kot Bhai, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner vehemently contends that the alleged recovery has been planted qua the petitioner and it is a case of false implication wherein only 6 grams of heroin has been recovered from her. In fact the story of the prosecution has been asserted to be false and in all probability a concocted, one referring to the facts as narrated in the FIR to the effect that a young man and lady was found standing near the motorcycle

the petitioner-lady and 5 small pouches were in the hands of young man. It is also the case of the petitioner that 5 polythene/pouch had been recovered by the Police from the petitioner and her co-accused. The quantity would have been much more than the 6 grams of heroin. On the strength of such facts and argument, he has prayed for grant of regular bail to the petitioner.

3. On the other hand, learned State counsel on instructions Sh. Sukhdev Singh, Head Constable, Police Station Kot bhai, District Sri Muktsar Sahib has submitted that the petitioner is already convicted in FIR No.67/2014 under Section 22 NDPS Act, PS Kotbhai wherein 11 grams of heroin was got recovered from the possession of the petitioner.

4. Having heard learned counsel for the parties.

5. This Court is of the considered and firm view that in the instant case the recovery effected is non-commercial in nature from the petitioner and in another case as having been argued by the learned State Counsel, it was again non-commercial i.e 11 grams of heroin in which the petitioner has already undergone the sentence awarded by the Court.

6. This Court also cannot loose sight of the fact that the trial is likely to take long time and the petitioner has already suffered 3 months and 5 days in custody for alleged recovery of 6 grams of heroin which is also doubtful as per the story of the prosecution.

7. Hence, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. However, it is made clear that anything stated hereinabove shall

not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

May 15, 2023
Rajeev (rvs)

Whether speaking/reasoned	Yes
Whether reportable	No