

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27732-2023

Date of decision : 06.07.2023

PAMMO KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jashandeep S. Sandhu, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.03 dated 06.01.2023 registered for the offences punishable under Sections 22, 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, 'the NDPS Act') at Police Station Barnala, District Barnala, Punjab.

2. Status report by way of affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala has been filed on behalf of the respondent-State today in Court, which is taken on record.

3. In the FIR it has been alleged as under :

“Copy ruqa SHO police station Barnala Fateh, today I ASI alongwith ASI Harmegh Singh 825/Barnala, Sr. Constable Surjit Singh 491/BNL, Rupinderjit Kaur Lady Sr. 865/BNL, Constable Lady Sr. Constable Harwinder Kaur 923/BNL and PHG Sohan Singh 27047 alongwith laptop and printer on Govt. vehicle No. PB08-AP 7438 driven by Constable Gurmeet Singh

80/BNL, regarding patrolling in the area and checking of suspicious persons were present at Yakakhana chownk Handiaya, then time was around 12.30PM, then secret informer came to me ASI and gave information that Pammo Kaur wife of Kesar Singh and Gagandeep Singh @ Gagan son of Balvir Singh residents of Qilla Patti Handiaya, they do the work of selling intoxicant tablets and they get these intoxicant tablets from Meena Rani wife of Rinku Singh resident of Qilla Patti Handiaya and sell it further, earlier also there Rinku are many cases of NDPS against Singh husband of Meena Rani, today also Pammo Kaur and Gangandeep Singh Gagan above said are selling to their customers while sitting underneath the pippal tree near their house, if raid is conducted now on thara underneath the pippal tree near their house, then Pammo Kaur and Gangandeep Singh @ Gagan above said can be apprehended red hand alongwith huge quantity of intoxicant tablets, information being trustworthy and credible, Pammo Kaur, Gangandeep Singh @ Gagan and Meena Rani above said by keeping in their possession intoxicant tablets and further selling them fulfills the offence under section 29/61/85 of NDPS Act, that's why present ruqa for registration of case under section above said against Pammo Kaur, Gagandeep Singh @ Gagan and Meena Rani above said is sent by hand PHG Sohan Singh 27047 to police station Barnala for registration of case, control room Barnala be informed, regarding this SHO Barnala is informed and for further investigation competent Investigating officer be sent at the spot, in the ar area Yakakhana square Handiaya at 01.10PM SD/- Tarsem Singh 721/BNL, police post Handiaya date 06.01.23.”

4. Counsel for the petitioner submits that the alleged recovery from the petitioner is of non-commercial quantity and thus the same would not attract the contours of Section 37 of the NDPS Act. He further submits

that the challan has been presented and the most of the witnesses being official there cannot be any apprehension w.r.t. the petitioner influencing the investigation or tampering with the evidence. Further reliance has been placed upon order dated 12.05.2023 passed in CRM-M No.20991 of 2023 whereby co-accused namely Meena Rani has been granted concession of regular bail.

5. Per contra, State Counsel submits that though the quantity recovered is non-commercial yet it is quite heavy. However, he does not dispute the fact that the role attributable to the petitioner is similar to that of Meena Rani and the petitioner is in custody since 07.01.2023. There is no other case registered against the petitioner.

6. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 06, 2023
Dpr

(Pankaj Jain)
Judge

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