

CRM-M-30646-2023

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218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30646-2023
Date of Decision: 06.07.2023

Rani Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Hitesh Chopra, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.34 dated 20.05.2023 registered under Sections 21, 27-A, 29 and 61 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Ghanie Ke Bangar, District Gurdaspur.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted, false and frivolous. The petitioner is not involved in the crime as alleged against her. Although, the alleged recovery is fabricated, however, even as per the story of the prosecution, only 8.800 grams of heroin have been allegedly recovered from her, which is a non-commercial quantity. There is no other case against the petitioner. The petitioner is in custody since 20.05.2023 and, therefore, she is not required for any investigation purposes. Hence, the petitioner deserves concession of bail pending trial.

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Notice of motion.

Mr. J.S.Guru, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State and files the custody certificate of the petitioner. The same is taken on record.

On the other hand, learned counsel for the respondent-State, being instructed by ASI Sukhwinder Singh, has submitted that the recovery of contraband has been effected from the petitioner. Therefore, she is involved in a heinous crime. However, it is not disputed that the alleged recovery of contraband from the petitioner is of non-commercial quantity and that there is no other case against the petitioner. It is also not disputed that the petitioner is in custody since 20.05.2023.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

06.07.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No