

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109+219

CRM-M-37293-2023 (O&M)
Date of decision: 12.10.2023

Nimmo

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. D.N. Ganeriwala, Advocate, for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

CRM-40641-2023

This application filed under Section 482 Cr.P.C seeking to place on record copy of DDRs recorded on the basis of disclosure statement as Annexures P-6 and P-7, is allowed. Annexures P-6 and P-7 are taken on record.

CRM stands disposed of.

CRM-M-37293-2023

By way of present second petition filed under Section 439 Cr.P.C., prayer has been made by the petitioner for grant of regular bail in case FIR No.24 dated 01.04.2022 registered under Sections 21 and 29 of the NDPS Act, 1985, at Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab.

As per allegations, 280 grams of heroin was recovered from the possession of petitioner and his co-accused Jaswant Kaur. It is also alleged

that they had thrown the transparent polythene bag from their purse.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that he is not involved in any such criminal act, that the alleged recovered quantity is little above than the commercial quantity; and that it is highly doubtful that the petitioner will carry the contraband in a transparent polythene. Still further, it is contended by learned counsel for the petitioner that the petitioner is in custody for the last more than 01 year, 06 months.

Learned counsel further submits that similarly placed co-accused Jaswant Kaur has been admitted to bail by this Court vide order dated 06.09.2023 passed in CRM-M-33722-2023.

Learned State counsel has placed on record the custody certificate revealing that the petitioner is in custody for the last 1 year, 6 months and 04 days and she has no other criminal case pending against her. Learned State counsel has not refuted the contention of learned counsel for the petitioner to the effect that recovered quantity of the contraband is just above the commercial quantity and that she is not involved in any other case. It is also conceded that just one witness has been examined out of 18 witnesses cited by the prosecution.

Having regard to the aforesaid facts and circumstances but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on her furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 12, 2023
vcgarg

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