

231 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 38234 of 2023  
Date of Decision:- 23.11.2023

PARVEEN RANI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Karandeep Singh Sidhu, Advocate for  
Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Reply dated 30.10.2023 filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Jalalabad, Distrtict Fazilka has been filed by learned counsel for the State. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. Heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

| FIR No. | Dated      | Sections                                                     | Police Station             |
|---------|------------|--------------------------------------------------------------|----------------------------|
| 28      | 18.05.2023 | 21, 29 of the Narcotic Drugs and Psychotropic Substances Act | Amir Khas District Fazilka |

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and recovery has been wrongly planted on him, which does not fall within the purview of the commercial quantity. He submits that after being arrested on 18.05.2023, challan against the petitioner has been presented in Court on 17.07.2023 and none of the witnesses have been examined by the prosecution, hence he prayed for grant of bail.

5. Per contra learned State counsel has assailed these arguments by submitting that the petitioner has been apprehended along with contraband at the spot on 18.05.2023. He admits that the challan has been presented in Court but till date none witness out of 11 witnesses cited by the prosecution have been examined. It is also not disputed that the recovery does not fall within the purview of commercial quantity.

6. Considering the respective submissions and perusing the record, admittedly the petitioner is involved with the recovery of contraband not falling within the purview of commercial quantity and is in custody since 18.05.2023. Although challan has been presented in court and till date no witnesses have been examined out of 11 witnesses cited by the prosecution and conclusion of trial to ascertain the criminal liability of the petitioner would take sufficient long time and no purpose would be served by detaining the petitioner any longer.

7. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of

learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

**(SANJIV BERRY)**  
**JUDGE**

**23.11.2023**

*Gyan*

|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |