

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

CRM-M-38295-2023 (O&M)

Decided on:-12.12.2023

Rani Kaur

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

CRM -44395-2023

Learned counsel for the applicant/petitioner submits that he does not wish to press the present application.

In view of the aforesaid submission, the instant application is dismissed as not pressed.

CRM-M-38295-2023

1. By way of this petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.38 dated 26.03.2023, under Sections 21 and 29 of NDPS Act, 1985, registered at Police Station Barnala, District Barnala.

2. In the present case, petitioner has been implicated on the basis of disclosure statement made by co-accused, namely, Satnam Singh from

whom recovery of 11 grams of 'heroin' was effected.

3. The prayer made herein has been opposed at the instance of learned State counsel by submitting that the petitioner was involved in number of cases of similar nature and is a habitual offender.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. The petitioner was implicated only on the basis of disclosure statement made by one of the co-accused Satnam Singh from whom recovery of non commercial quantity of 'heroin' i.e. 11 grams was allegedly effected. The petitioner has already suffered incarceration for a period of almost 6 months by now, though there are other cases of similar nature pending against him. Considering the fact that no recovery has been effected from the petitioner in the present case, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

12.12.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No