

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-49789-2022

Date of Decision: 3.5.2023

Paramjit Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Narinder Singh Pawar, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.82 dated 5.8.2022 registered for the offences punishable under Sections 22 of NDPS Act at Police Station Dehlon, District Ludhiana.

2. The allegations in nutshell are that the police apprehended the petitioner along with 22 strips each containing 10 tablets of Alprazolam and 5 strips each containing 10 tablets of Buprenorphine on 5.8.2022.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody for the last more than 6 months. He further submits that after completion of investigation, challan has been presented and as per report of FSL, the aforesaid recovery of alleged medical intoxicants comes under non-commercial quantity. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on

instructions from SI Manjit Kaur produced copy of FSL along with reply by way of affidavit of Manjit Singh Tiwana, Superintendent, Central Jail, Patiala along with medical report Annexure R-1. State counsel, however, has not disputed the fact that recovery of contraband effected from the present petitioner is covered under non-commercial quantity. He has also not disputed the fact that the petitioner is in custody for the last more than 6 months and that the trial is at its initial stage.

5. I have considered the submissions made by the counsel for the parties.

6. In view of above as recovery effected from the petitioner comes under non-commercial quantity as has been admitted by the State counsel, rigors of Section 37 of NDPS Act will not be applicable in the case in hand. Further, the petitioner is having no criminal history as is apparent from the custody certificate, as per which, her custody comes out to be 6 months and 26 days.

7. It will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 3, 2023

Paritosh Kumar