

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 51437-2022 (O&M)
Date of Decision: 06.02.2023

Shinder Kaur

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.
Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 33 dated 01.06.2022, under Sections 20 and 22 of NDPS Act registered at Police Station Bakshiwala, District Patiala, who is alleged to have possessed two contraband i.e. 700 loose intoxicant tablets containing salt of Tramadol Hydrochloride and 50 gram ganja.

Learned counsel for the petitioner contends that the petitioner is in custody since 01.06.2022. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery is not effected from the conscious possession of the petitioner and it is marginally above the commercial quantity. He further submits that the petitioner is a lady and

the recovery of 700 loose tablets is nothing but planted version of the police and that the matter stands investigated as the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and she is a habitual offender as one more case is pending against her, however does not dispute the fact that the challan has been presented and the charges have been framed.

Faced with this learned counsel for the petitioner submits that the petitioner was named in another FIR under the NDPS Act but she has been granted bail in that case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 03.06.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, she would hamper the course of free and fair trial. Further, since the recovery is not from the conscious possession of the petitioner and there is no other case pending against the petitioner and the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

06.02.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>