

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223

CRM-M-54528-2022

Date of Decision: 02.02.2023

Banti @Ghogan

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 01.02.2023 along with reply dated 30.01.2023 by way of affidavit of Sh. Satvir Singh, Deputy Superintendent of Police (SD), Barnala, District Barnala, filed by learned counsel for the State are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 307 dated 09.07.2022 registered under Sections 22 and 29 of the NDPS Act at Police Station City, Barnala, District Barnala.

Brief facts of the case are that on 09.07.2022, the police party headed by ASI Charanjit Singh were present near Balmik Chowk, Barnala for doing patrolling duty. At 5:30 p.m., he received a secret information that co-accused/Sona W/o Vicky Singh, who is habitual of

selling the intoxicant tablets, roaming in the area of Dusshera Ground, Barnala to sell the intoxicant tablets. On the said information, the case was got registered against co-accused/Sona and she was apprehended in the jurisdiction of Dusshera Ground, Barnala. On Search, 508 intoxicant tablets were recovered from her possession. During investigation, petitioner-Banti @ Ghogan, was nominated as accused in the present case and was arrested on 11.07.2022. As per disclosure statement suffered by the petitioner, 150 loose intoxicant tablets of white colour were recovered.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Even otherwise the contraband recovered from the petitioner falls under the category of 'non-commercial quantity'. Rigorous of Section 37 of the NDPS Act shall not be applicable to the present case. The petitioner was in custody since 11.07.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner, namely, Sona, had already been granted the concession of regular bail by this Court vide order dated 27.10.2022 (Annexure P-2). Thus, treating the case of the petitioner on the same parity as that of her co-accused, she may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply filed by way of an affidavit dated 30.01.2023 of Sh. Satvir Singh, Deputy Superintendent of Police,(SD), Barnala.

I have heard learned counsel for the petitioner as well as

learned State counsel and gone through the paper-book.

Keeping in view the facts and circumstances of the case, period of custody, the fact that the contraband recovered from the petitioner falls under the category of 'non-commercial quantity' and treating the case of petitioner on the same parity as that of her co-accused-Sona, who had already been granted the concession of regular bail by this Court vide order dated 27.10.2022 (Annexure P-2), but without commenting anything on merits of the case, the present petition is allowed.

The petitioner-Banti @ Ghogan, is ordered to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if she is found involved in any other case under the NDPS Act, during the period of bail.

February 02, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No