

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-56760-2022

Date of Decision: 30.01.2023

Diksha

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Munish Puri, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.199 dated 27.10.2022 under sections 21(A), 27(a) of NDPS Act, registered at Police Station, Dinanagar, District Gurdaspur.

As per factual matrix, FIR in question was lodged on the complaint of ASI Naresh Kumar, wherein it was alleged that during patrolling they intercepted the petitioner-accused on suspicion and she was offered to be searched under Section 50 of NDPS Act. Petitioner-accused gave her consent for her search and the same was conducted. On her search, some rupees were recovered from a polythene bag carried by her in the right hand and a small transparent polythene bag was also recovered. On opening the same heroin weighing 2.1 gm was recovered. The currency notes recovered were found to be Rs.6500/-. On the basis of the recovery present FIR was lodged against the accused-petitioner and she was arrested.

She approached the court of learned Addl. Sessions Judge, Gurdaspur for grant of bail, however, after hearing the parties, the same was

declined vide order dated 10.11.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He submits that the alleged recovery from the petitioner weighs only 2.1 gm, which is a small quantity. He further submits that Rs.6500/- were shown to be recovered from the petitioner and the same has been falsely projected as the drug money which is without any evidence on record. Counsel submits that though the petitioner is facing prosecution in another case of the similar nature, however, the same is also for a small quantity and in that case also petitioner has been granted bail. It is submitted that petitioner is behind bars for the last about 3 months and keeping in view the small quantity recovered from her, she deserves to be granted bail.

On the other hand, learned State counsel has submitted that petitioner is already facing prosecution in another case of the similar nature, however, the quantity recovered from the petitioner was small. It is submitted that in the present case investigation is going on and the challan is yet to be presented, however, he does not dispute the fact of small quantity and that petitioner has almost completed 3 months behind the bars.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, the recovery made from the petitioner is 2.1 gm heroin which falls in the category of small quantity. The petitioner is behind bars since 27.10.2022. Though, there is one more case of the similar nature against the petitioner, however, she has been granted bail in that case.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

30.01.2023

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