

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217 CRM-M-57157-2022
Date of Decision.:07.11.2023

RaniPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.84 dated 30.08.2022 registered under Sections 21, 22, 25 & 29 of NDPS Act, 1985 registered at Police Station Sadar Banga, District S.B.S. Nagar.

2. As per allegations, petitioner was found in possession of 150 tablets of Etizolam, the total salt of which was 8.4 gram. Apart from this, recovery of 04 gram of Heroin was also effected from a transparent bag. Said recovery was effected on 30.08.2022 by a police party which was travelling in a private vehicle.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated as it is hard to believe that petitioner will carry the contraband in a transparent plastic bag. Still further, it is contended that time and again instructions have been given to the police not

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to use the private vehicle, when on duty. Learned counsel further contends that petitioner has no criminal antecedents and that she is in custody for the period of more than 01 year and 02 months and that trial may take long time to conclude.

4. Opposing the bail petition, learned State counsel has drawn attention towards the fact that recovered quantity of contraband falls in the commercial category.

5. However, it is conceded that petitioner has no criminal antecedents. It is also informed by learned State counsel that out of 10 witnesses cited by the prosecution, only 01 has been examined so far. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 01 year 02 months and 07 days with no criminal antecedents.

6. Having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

7. As such, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

November 07, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No