

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-59141-2022

Date of decision: 18.08.2023

Raj Kaur alias Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0179 dated 14.07.2022 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for being allegedly found in possession of 710 tablets of Chelcidol-100 SR, which contains salt Tramadol Hydrochloride, in a case of chance recovery. He submits that after the petitioner was arrested on 14.07.2022, none of the 16 prosecution witnesses have been examined till now even though charges were framed almost 08 months back on 29.11.2022. It has been submitted that in the circumstances, there is no possibility of the trial concluding in the near future. Learned counsel has also submitted that the petitioner has clean antecedents as she is not involved in any other criminal case much less under the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, has apprised the Court that the next date fixed before the Trial Court is 06.09.2023 when prosecution evidence is likely to commence. He has, however, not been able to dispute on instructions that the petitioner is not involved in any other criminal case.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The alleged recovery effected from the petitioner is just marginally higher than the minimum classified as commercial quantity in respect of Tramadol under the NDPS Act. The petitioner is not stated to be involved in any other criminal case. The trial would take considerable time to conclude since as many as 16 prosecution witnesses have been cited. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

18.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No