

CRM-M-60461-2022

Date of decision: 06.01.2023

PARAMJIT KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.
Mr. Iqbal Singh Mann, DAG, Punjab.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Paramjit Kaur-petitioner is seeking regular bail in the case bearing FIR No.282 dated 06.11.2022 under Sections 21/29 of NDPS Act registered at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner contends that as per the allegations in pursuance of the secret information, on 06.11.2022, the petitioner along with the co-accused, namely, Raj Singh were apprehended while they were travelling in a car. 07 grams of heroin was recovered from the petitioner, 20 grams was recovered from the possession of the co-accused, Raj Singh and a sum of Rs. 1,25,000/- was recovered from the car. Subsequently, during the course of investigation, in pursuance of the disclosure statement of Raj Singh, the co-accused, 150 grams of heroin along with 03 mobile phones were recovered. No mobile phone has been recovered from the petitioner and there is nothing to indicate that the petitioner in any manner had a telephonic conversation with anyone across the border. The petitioner is in custody for a period of 01 month and 21 days and is not involved in any other case. The quantity of contraband recovered from the possession of the petitioner falls in

the category of less than commercial quantity. The investigation of the case is complete and challan has been presented.

Learned State counsel has opposed the bail application on the score that the co-accused, Raj Singh had made a call to a Pakistani smuggler and mobile phones have also been recovered. The petitioner along with co-accused was indulging in trans border smuggling of Narcotics.

It may be mentioned here that the quantity of contraband recovered from the possession of the petitioner falls in the category of less than commercial quantity and as such, the stringent provision of Section 37 of NDPS Act are not be attracted in the instant case. No mobile phone has been recovered from the petitioner. There is nothing to indicate that the petitioner had any conversation with anyone across the border. The petitioner is not involved in any other case much less under NDPS Act. The custodial interrogation of the petitioner is over, the investigation of the case is complete and challan has been presented. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

06.01.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No