

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-58562-2023

Date of decision: 24.11.2023

Balwinder Kaur alias Binder Kaur alias Kaki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Mohit Kapoor, Addl. A.G., 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.121 dated 17.08.2023 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia contends that the petitioner was allegedly apprehended on suspicion and thereafter a false recovery of 350 tablets of Tramadol (non-commercial) was shown to have been effected from her. It has been submitted that no cases as on date are pending against the petitioner much less under the NDPS Act which lends credence to her false implication in the case in hand.

3. Learned State counsel has placed on record the custody certificate of the petitioner wherein also it stands reflected that there are no criminal cases pending against the petitioner as on date. Learned State counsel has, however, opposed the prayer made by the counsel for

the petitioner for extending the concession of bail to her as a recovery of 350 tablets of Tramadol was effected from her conscious possession and the said recovery had been effected after due compliance of the mandatory provisions of the NDPS Act.

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

5. The petitioner has been in custody since 17.08.2023 and investigation in the case in hand stands completed as even the challan has been presented before the Trial Court concerned. The trial is unlikely to conclude in the near future as charges have not yet been framed and are likely to be framed on the next date before the Trial Court which is 11.12.2023. The petitioner is not shown to be involved in any other criminal case much less under the NDPS Act. 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 on her furnishing bail/surety bonds 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.

24.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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