

Neutral Citation No.2023:PHHC:158264
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-61088 of 2023 (O&M)

Date of decision : 11.12.2023

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Balwinder Kaur

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjeev Kumar Banga, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General,
Punjab, for the respondent/State

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of regular bail under Section 439 Cr.P.C., in case FIR No.171 dated 19.6.2023 under Sections 21(b), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act'), registered at Police Station Special Task Force Wing, District SAS Nagar.

2. Learned counsel for the petitioner submits that a false case has been planted upon her for allegedly being involved in the sale and purchase of herione. Learned counsel submits that the petitioner's false implication stands fortified from the fact that she has clean antecedents and has never been involved in any other criminal case, much less under the NDPS Act. It has been further submitted that though as per the case of the prosecution, a secret information

was received qua her, as well as, her brother Hira Singh's involvement in the crime in question, however, when the alleged recovery was affected from inside her house, recovery of only 160 grams of heroine (non-commercial) was affected. Learned counsel further submits that since the investigation in the case in hand is complete, challan stands presented and even charges framed, further incarceration of the petitioner would serve no useful purpose as the prosecution evidence has not yet commenced.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR qua a secret information having been received qua the involvement of the petitioner and her brother in the sale and purchase of narcotic substances, learned State counsel, on instructions of ASI Jeewan Kumar, has not been able to controvert that the petitioner has clean antecedents and is not involved in any other criminal case. It is however, been submitted that the next date fixed before the trial Court is 8.1.2024 when the prosecution evidence is likely to commence.

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

5. In the facts and circumstances, as enumerated hereinabove, the trial would likely to take considerable time to conclude; the petitioner is not stated to be involved in any other criminal case, coupled with the fact that the alleged recovery falls within the ambit of non-commercial quantity under the NDPS Act, this Court thus deems it fit to extend the concession of bail to the

petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

11.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned Yes / No

Whether reportable Yes / No