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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-4240-2024  
Date of decision:- 01.02.2024

RAMESH KUMARI

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Mr. Harpreet Singh Addl. AG Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case :-

| FIR No. | Dated      | Sections                 | Police Station                 |
|---------|------------|--------------------------|--------------------------------|
| 219     | 29.11.2023 | 21(A) & 27-A of NDPS Act | Dinanagar, District Gurdaspur. |

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that as per the allegations levelled by the prosecution, 05 grams of heroin along with drug money of ₹2500/- was recovered from the petitioner which falls within the purview of non-commercial quantity, being the small quantity.

He submits that petitioner is in custody since 29.11.2023, challan has been presented in Court, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel on the other hand submits that considering the nature and gravity of the offence, petitioner is not entitled for concession of bail and prays for dismissal of the bail petition. However, he has not controverted the factual matrix of the case.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, police on patrolling duty apprehended the petitioner on 29.11.2023, on search 5 gram of heroin was recovered from her. Admittedly as per the case of the prosecution, the recovery falls under small quantity of contraband, challan has been presented in Court, conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found

involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

01.02.2024

|      |     |                            |        |
|------|-----|----------------------------|--------|
| Gyan | i)  | Whether speaking/reasoned? | Yes/No |
|      | ii) | Whether reportable?        | Yes/No |