



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9091 of 2024
Date of Decision: 31.07.2024

Rimpy	vs.	...Petitioner
State of Punjab		...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Satnam Singh Gill, Advocate, for the petitioner.
Mr. M. S. Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police, Headquarter, Patiala has been filed by learned State counsel in Court today and the same is taken on record.
2. The petitioner has filed the present petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.84 dated 15.04.2022 registered under Section 22 of NDPS Act, 1985, at Police Station Sadar Samana, District Patiala.
3. As per case of the prosecution, a ruqa was received in the police station and a naka was set up in connection with search of suspected persons. At about 12.45 p.m. on 15.04.2022, one activa scooty was seen coming, which was being driven by Mona and the lady (petitioner) was pillion rider. On seeing the police party in front, they tried to turn back. At the time of turning the Activa, the lady sitting on back fell down on the road and some strips of medicines, out of the strips caught by the lady in her hand, scattered on the road and 148 strips each having 50 tablets i.e. total 7400 tablets of Tramadol were recovered. As



per report of FSL, salt has been opined being that Tramadol Hydrochloride and average weight has been shown to be 376 mg per tablet, which comes to 2782.4 grams, which falls within the ambit of commercial quantity.

4. Learned counsel for the petitioner submits that the petitioner has undergone more than 02 years and 03 months of custody. He further contends that the petitioner has been falsely involved in the present case. He further submits that similarly placed co-accused Makhan Singh has already been granted the concession of regular bail by this Court vide order dated 21.11.2023 (Annexure P-1). Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is



in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the quantity of contraband recovered from the petitioner is commercial in nature and the rigors of Section 37 of NDPS Act would apply to the facts of the present case. He further submits that one more case i.e. FIR No.48 dated 01.05.2019, under Section 22 of NDPS Act, Police Station Sherpur has been registered against the petitioner and she does not deserve the concession of bail by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the petitioner was arrested on 15.04.2022 and is in custody for the last more than 02 years and 03 months. Apart from that, similarly placed co-accused, namely, Makhan Singh has already been granted the concession of bail by this Court vide order Annexure P-1.

8. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)** , the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/

Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.
- (v) The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to her.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.

31.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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