



CRM-M-16632-2024

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208

**CRM-M-16632-2024
Date of decision : 17.12.2024**

Jaito Kaur alias Jailo

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Iqbaljit Singh Kingra, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.112 dated 25.08.2022 registered for offences punishable under Sections 20, 29, 61 and 85 of NDPS Act, 1985 at Police Station Sadar Ahmedgar, District Malerkotla.

2. As per the case of the prosecution, a secret information was received with respect that one Sukhpal Singh @ Soma alongwith the present petitioner i.e. Parkash Chand and Jaito Kaur @ Jailo are indulging in selling narcotic and psychotropic substance. Three persons were apprehended while travelling in car bearing No.PB-13BP-3267. One transparent envelope was seen lying at the floor on the other side of the driver seat containing some brown coloured powder. The same was found to be sulfa weighing 4 kg 500 gms.



3. Counsel for the petitioner submits that it is a case of false implication. He submits that there is a difference between the description of contraband. As per the initial version, the contraband was a brown coloured powder. FSL report shows that the same was the greenish brown coloured solid material. He further submits that from the FSL report, it is evident that it was only 20 grams. The contraband was sent for testing whereas in terms of standing order No.1/89 which prescribes general procedure for sampling, storage charge etc, the sample should be at least of 24 grams can sent for chemical test. He refers to para 2.3 of Section II which reads as under:-

“2.3 The quantity to be drawn in each sample for chemical test shall not be less than 5 grams in respect of all narcotic drugs and psychotropic substances save in the cases of opium, ganja and charas (hashish) where a quantity of 24 grams in each case is required for chemical test. The same quantities shall be taken for the duplicate sample also. The seized drugs in the packages/containers shall be well mixed to make it homogeneous and representative before the sample (in duplicate) is drawn.”

4. Custody certificate has been produced. As per the same, by now, the petitioner has undergone actual incarceration of more than 01 year 01 month and 14 days.

5. State counsel submits that the trial is nearing its conclusion as 12 out of 19 witnesses already stand examined and 03 have been given up. Only 04 are remaining. However, he is not in a position to



dispute that co-accused Parkash Chand stands admitted to regular bail vide order dated 22.10.2024 passed in CRM-M-54220-2023.

6. I have heard learned counsel for the parties and have gone through the records of the case.

7. Without commenting on the merits of the case, considering incarceration suffered by the petitioner and parity vis-a-vis Parkash Chand, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.



10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

17.12.2024
A.Kaundal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No