



CRM-M-18405-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.214

Case No. : CRM-M-18405-2024

Date of Decision : July 10, 2024

Sukhwant Kaur

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.0016 dated 06.02.2024, under Sections 21(b) and 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Dinanagar, District Gurdaspur.

2. As per the allegations, police party was on routine patrolling when the petitioner, who was coming on foot, was intercepted by police and was apprehended on suspicion. On search, 10 grams 20 mg heroin (on computer weighing scale), along with Rs.15,500/- drugs money was recovered from her.

3. Learned counsel for the petitioner has submitted that the



petitioner has been falsely implicated in the case. Provisions of Section 50 of the Act regarding search of the apprehended person has not been complied with. No independent witness has been joined in the investigation. Conclusion of trial may take a long time. So, the petitioner be released on bail.

4. On the other hand, learned State counsel, appearing on behalf of respondent-State pursuant to advance copy, has opposed the bail petition. She has further submitted that the petitioner is stated to have been booked in two theft cases earlier as well and in the present case, recovery of drugs and money show that the petitioner is indulged in the business of selling contraband. It has therefore been prayed that the petitioner does not deserve concession of bail.

5. Heard.

6. The petitioner is in custody since 06.02.2024. Recovery of heroin is less than the commercial quantity and more than small quantity. The case is at initial stage. Conclusion of trial would take a long time. Involvement of petitioner in one earlier case, wherein she was convicted for sentence 'already undergone' or registration of any case against her, is no ground to reject her bail in the present case.

7. In view of the aforesaid facts and circumstances, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on



regular bail, on her furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

10. Pending applications, if any, shall stand disposed of along with this judgment.

July 10, 2024
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.