



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-23615-2024
Date of decision: November 29th, 2024

Sharanjit Kaur @ Babli
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate
with Ms. Nidhi, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.30 dated 19.03.2024 under Section 21 of the NDPS Act, 1985, registered at Police Station Bhadson, District Patiala.

2. On the last date of hearing, following submissions of learned counsel for the petitioner were recorded:

“Learned counsel for the petitioner submits that the alleged recovery affected from the petitioner is just ten grams of heroin, which is way below the minimum classified as commercial under the NDPS Act. It has been submitted that even though challan was presented way back on 21.05.2024, however, the case had been repeatedly adjourned by the learned trial Court either on account of the jail authorities not producing the petitioner or the Presiding Officer proceeding on leave. Learned counsel submits that in the circumstances, the petitioner cannot be made to languish in custody.”

3. It has been further submitted that even otherwise, a perusal of the allegations levelled in the FIR clearly reveals that the alleged recovery of ten grams of heroin was not affected from the conscious possession of the petitioner but from a pouch, which allegedly was thrown away by the petitioner on seeing the police party. Learned counsel has, therefore, submitted that since the charges have been framed as recently on 18.11.2024, the petitioner be admitted to bail as there is no possibility of the trial concluding in the near future, more so when as many as nine witnesses have been cited by the prosecution.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 19.03.2024 and the charges were framed on 18.11.2024. Learned State counsel has also not disputed that the alleged recovery was from a pouch, which was allegedly thrown away by the petitioner on noticing a police patrol party. However, it has been argued by the learned State counsel that this is not the first time that the petitioner has been involved in such like criminal cases as it is a matter of record that she is involved in four other cases under the NPDS Act, one case under the Excise Act and one case for offence under Section 302 of the IPC.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The alleged recovery, as not disputed by the learned State counsel, on instructions, has not been affected from the conscious possession of the petitioner but from a pouch, which was allegedly thrown away by her. It is not even the case of the prosecution that any

secret information had been received qua the involvement of the petitioner in drug trafficking.

7. In the facts and circumstances and keeping in view the custody period, the stage of trial and the quantity recovered, this Court deems it fit to enlarge the petitioner on bail. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

November 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No